



Staff Report

PRESENTATION AND DISCUSSION/DIRECTION ON REVISIONS TO THE SIGN ORDINANCE

Honorable Mayor and Council Members:

Summary/Background/Discussion

The purpose of this study session is to hear input from the City Council regarding policies/issues to consider as part of a comprehensive amendment to the Belmont Sign Ordinance. This project was assigned for completion by the City Attorney's Office and Community Development Department in concert with the Council's Priority Calendar adoption in 2008 & 2009. Project work tasks have included collecting and analyzing data, initial interview of stakeholders (i.e. Chamber of Commerce), and holding study sessions.

The Planning Commission completed their Study Session review of this effort at its 9/15/09 and 10/6/09 meetings. Since that time, staff has been assessing additional signage policy questions and has moved forward with draft text amendments for review/consideration as part of tonight's study session.

Staff has attached a memorandum prepared by Dyett & Bhatia regarding Belmont Sign Ordinance issues to consider as part of this project (See Attachment I); an amended draft Ordinance is provided as Attachment II. The City's current Sign Ordinance is provided as Attachment III. Council comments offered tonight will be referred back to staff, and the City's General Plan Consultant, Dyett & Bhatia, for future inclusion in an amended Sign Ordinance.

General Plan/Vision Statement

The Belmont Sign Ordinance Project is a Priority Calendar item as directed by the City Council for study, review, and consideration of amendment. Actions undertaken as part of this effort are consistent with the General Plan/Vision for the City of Belmont.

Fiscal Impact

There is no fiscal impact related to this study session item.

Public Contact

This matter was placed on the agenda and posted as required by the California Government Code.

Recommendation

No specific action is required to be taken by the City Council at this time. Dyett & Bhatia and City staff will incorporate comments/feedback into amended text language for future review and adoption by the Planning Commission and City Council. Continued public outreach and hearings on the draft amendments are expected to occur in Spring 2010.

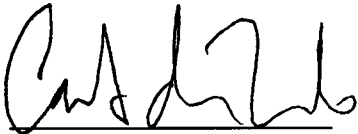
Alternatives

1. Direct staff to return for further discussion and direction.

Attachments

- I. Memorandum RE: Belmont Sign Ordinance Questions/Policies/Considerations – Dyett & Bhatia – February 4, 2010
- II. Draft Sign Ordinance/Amendments – Dyett & Bhatia – February 4, 2010
- III. Current Sign Ordinance

Respectfully submitted,



Carlos de Melo
Community Development Director



Don Mattei
Acting City Manager

Staff Contact:

Carlos de Melo, Community Development Director
(650) 595-7440
cdemelo@belmont.gov

ATTACHMENT I

Memorandum RE: Belmont Sign Ordinance Questions/Policies/Considerations –
Dyett & Bhatia – February 4, 2010

M E M O R A N D U M

To: Belmont City Council
From: Leslie Gould, Dyett & Bhatia
Re: Sign Regulations Update Study Session Staff Report
Date: February 4, 2010

SCOPE OF SIGN REGULATIONS UPDATE PROJECT

As one of its priority projects, the City of Belmont is undertaking the comprehensive revision of Sign Regulations contained in Section 23 of the Zoning Ordinance. The revisions to the Zoning Ordinance together with revisions to the Municipal Code are intended to:

- Consolidate sign regulations within the Zoning Ordinance;
- Ensure consistency within zoning districts;
- Ensure consistency with First Amendment rights and case law;
- Remove obsolete sections of the regulations, including 23.11 Political Signs;
- Define the requirements for temporary signage;
- Update regulations for billboards based on recent case law; and,
- Create specific regulations for signage within the Villages area.

Project Process to Date

The issue of revising the Sign Regulations was first discussed at City Council in June 2008. As part of the effort to revise the regulations, the consultant, Dyett & Bhatia (D&B) discussed some of the major questions and issues related to the regulations with the Planning Commission at Study Sessions on September 15 and October 6, 2009. In addition, due to the legal intricacies of First Amendment Rights and signage, D&B and the City Attorney have consulted with a signage law expert, Attorney Randal Morrison. A comprehensive revision of the sign regulations has been drafted, based on the comments from the Planning Commission, Mr. Morrison, and the City Attorney.

Study Session Agenda

- Scope of project summary
 - Summarize fundamentals of sign regulation
 - Summarize major changes and discuss outstanding policy issues in the regulations
1. Signs on Public Property
 - Noncommercial Signs – “political signs” and “free-speech signs”

- Street Banners
 - Commercial Signs – A-frame signs, real estate signs, fence signs
2. Signs on Private Property
- Residential Districts
 - Nonresidential Districts
 - Village Districts
3. Review and Approval Process

FUNDAMENTALS OF SIGN REGULATIONS

FREE SPEECH PRINCIPLES AND SIGN REGULATION

The City has the right to reasonably regulate signage within its jurisdiction; however, in order to not infringe on the constitutional right of freedom of speech, the regulations must be:

- Content neutral,
- Serve a significant governmental interest, such as traffic safety, and
- Leave open ample alternative avenues of communication.

Within the content neutrality parameters, the City may regulate the time, place, and manner, including size, of signs and sign placement. This means that the regulations are consistently applicable non-discriminatory that specify, without reference to the content of the message, when, how and where a sign can be displayed, with physical standards, such as but not limited to height, size and location.

COMMERCIAL AND NONCOMMERCIAL MESSAGES

The City may regulate signs with commercial messages more stringently than signs with noncommercial messages.

- Commercial message is defined as *a message on a sign, or portion of a sign, which displays a message which proposes an economic transaction, primarily concerns the economic interests of the sign sponsor and/or audience, or debate in the marketplace of goods and services.*
- Noncommercial message is defined as *a message or image on a sign, or portion of a sign, which displays noncommercial speech, e.g., commentary or advocacy on topics of public debate and concern.*

TRADITIONAL PUBLIC FORUM

The traditional public forum is defined as: *the surfaces of city-owned streets, city-owned parks, sidewalks which are connected to the City's main pedestrian circulation system, and the pedestrian area immediately surrounding City Hall (not including the interior thereof).*

Areas the Court has designated traditional public forums include: streets or sidewalks adjoining such public buildings as state capitols, courthouses, schools, parks, and residential neighborhoods. The City may prohibit or regulate commercial message signs within the traditional public forum. Only the time, place, and manner of noncommercial speech signs may be regulated -- they may not be prohibited. Certain exceptions do apply to noncommercial message signs, such as speech that contains defamatory statements, “fighting words” or profanity, or speech that creates a “clear and present danger.”

Within traditional public forums, the City can regulate:

- Whether the sign must be animate (worn by a person, carried by a person, or attended by a person within five feet);
- Maximum size;
- Where signs can be placed;
- Time of display, hours and total number of days;
- Number of same type of sign that can be attached to any one utility pole; (Candidates’ Outdoor Graphics Service v. San Francisco, 1983)
- Physical factors of the sign, such as types of materials, how it is assembled, and how it is attached;
- Requirements to allow passage of other pedestrians, such as five feet of clearance; and,
- Safety visibility triangle area for intersections.

SIGNS ON PUBLIC PROPERTY

NONCOMMERCIAL SIGNS

The City may allow government and city-sponsored signs in the public right-of-way, such as directional signs and district banners, but prohibit all other signs proposed by private parties. If the City chooses to allow other signs in addition to governmental signs on public property, then only the time, place, and manner may be regulated, not the content. Such regulations for the public right-of-way may be different than regulations for signs in commercial districts or residential districts.

The City may not prohibit noncommercial signs, such as “free speech” signs expressing a political opinion, and signs by a non-profit promoting a message or an event. The City may determine whether such signs may be personally attended or if they may be “inanimate” – left unattended.

Current Regulations

The current sign regulations do not specifically address noncommercial signage, except for political signs.

“Political Signs.” Current regulations related to “political signs” are found in two places: Section 23 of the Zoning Ordinance and Section 22 of the Municipal Code. These regulations allow political signs on public right-of-way in R1 zones and on private property with express consent of the property owner. The current ordinance establishes time limits, only allowing political signs up to 24 days prior to an election, and requiring removal within 7 days after an election.

Current Regulations for Political Signs in Public Right-of-Way

Time	Place and Manner
Residential Districts	
24 days prior to election and up to 7 days after the election <i>(not consistent with case law)</i>	<ul style="list-style-type: none"> Up to 4 square feet are allowed on the public right-of-way in R-1 zones, except on Ralston Ave, Alameda de las Pulgas, El Camino Real, or Old County Road; (Up to 16 square feet allowed on Twin Pines Park fence) Cannot be placed on street medians, curbs, light posts, poles, benches, hydrants, bridges, walls, trees, sidewalks, public utility box, or structure on public street or public property.
Commercial Districts	
	<ul style="list-style-type: none"> Not allowed in public right-of-way

Proposed Regulations

A new section of the zoning ordinance is being proposed (Section 23A) to address all sign standards for public property. The new section includes rules for traditional public forum areas, government signs, and street banners. The sign law expert recommends that this section be separate from the rest of the sign regulations so that the City is able to maintain more control over signage on city property that is not traditional public forum.

“Political Signs.” References to “political signs” have been removed from the sign regulations because calling out specific types of signs is not content neutral. Political and campaign signs are now included in the noncommercial speech category of signs.

Signs within the Traditional Public Forum. The new section clearly establishes the time, place and manner for noncommercial signage within the traditional public forum. The new regulations require that all noncommercial signs: be held or attended by a person within five feet of the sign for 55 minutes of every hour; be no more than six square feet per person; and be exhibited between 7 am and 7 pm, except during Planning Commission or City Council meetings. While the City may not regulate a person’s apparel, the proposed regulations define apparel so that it does not include *“any items worn on a body that include devices used for the support or mounting of signage.”*

With the requirement that these signs be personally attended, signs such as typical campaign yard or A-frame signs and holiday crèches and displays would not be allowed within the public right-of-way. All noncommercial signage must be on private property with permission from the property owner.

An exception may be made if the City chooses to allow commercial A-frame signage on public sidewalks within the Village Districts. If any such signs are allowed, then the new, legally required, message substitution clause would allow establishments to replace their commercial message with a noncommercial message. The clause states, *“a noncommercial message of any type may be substituted, in whole or in part, for any duly permitted or authorized commercial message or any duly permitted or allowed noncommercial message.”*

COMMERCIAL SIGNS

Current Regulations

In the current regulations, commercial signs, such as A-frame signs and real estate signs, are not allowed in the public right-of-way or on public property. However, in practice, many retail stores in the downtown area have A-frame signs on the sidewalk, and real estate agencies put directional signage on the sidewalk in residential districts.

Proposed Regulations

Due to the effectiveness of A-frame signage within pedestrian-oriented areas such as the downtown area, the consultant recommends continuing to allow A-frame signs while providing more specific regulations for them. Based on case law, the City may not limit which types of establishments may have an A-frame sign. If one type of business (i.e. retail) is allowed to have an A-frame, then all establishments (i.e. offices, non-profits, institutions, etc.) must be allowed to have one. The sign law expert also recommends that the City require insurance coverage and/or require an encroachment permit for signs on the public sidewalk so that the City is not liable for any potential incidents. This provision has not yet been added to the regulations.

STREET BANNERS

The new section includes the rules related to the Ralston Avenue street banners. To comply with the first amendment and related case law, it is critical that the city establishes a clear policy on this topic, and that it is consistently applied. Banners over a public street are not typically considered part of a traditional public forum. Therefore, the city must define the purpose of this public forum, i.e. the air space over the street, and can then place limits that are reasonably related to the purpose of the public forum. The proposed regulations define the forum, as well as the time limits, locations, and parties who may apply to use the street banners.

SIGNS ON PRIVATE PROPERTY

RESIDENTIAL USES

In residential districts, the City must allow noncommercial signs on private property, but may establish time, place, and manner regulations. The City may prohibit all commercial signs on private property in residential districts, except real estate signs, or establish time, place, and manner regulations. Real estate signs are regulated by State law.

Current Regulations

In residential districts, sign regulations are defined only for:

- Home occupations: 1 square foot nameplate
- Churches: 12 square feet of sign area
- Conditional uses: 8 square feet of sign area
- Noncommercial signs: 12 square feet of sign area

In addition, certain commercial signs (temporary construction identification signs, temporary real estate signs, and permanent home occupation nameplates up to one square foot) are allowed in residential districts. Construction identification signs denoting the architect, engineer, contractor, financier, etc. on properties where a building is being constructed are allowed, but must be removed at the time that construction is completed.

Proposed Regulations

The proposed regulations more clearly define signage regulations for residential uses. These regulations apply to signs on private property only.

Single Family Detached and Duplex Residential Uses:

- Maximum eight (8) square feet of total sign area which may be used for any combination of noncommercial, garage sale, real estate signs, construction signs, or home occupation name plates (size limited to 1 square foot).
- Each unit is also allowed up to 24 square feet of noncommercial flags and address or nameplate signs with display faces no more than eight inches in height.

Multi-family Residential Uses:

- Each individual dwelling unit may display up to a total of two (2) square feet of noncommercial sign area mounted on the window, wall, or door.
- Each multi-family residential complex may display up to a total of twelve (12) square feet of sign area on sites less than 20,000 square feet in size, up to a total of twenty-four (24) square feet on larger sites; and up to 24 square feet of noncommercial flags.

Expansion Rule

The City may choose to include an expansion rule which would allow more square footage during specified periods of time, such as pre-election periods. These types of provisions can be different for different areas of the city and would apply to any election in which Belmont residents can vote.

Commercial Signs

Under the subsection for Temporary Signs, the new regulations continue to allow both real estate signs and commercial signs related to on-going construction, remodeling, or landscaping work. A maximum size limit of 4 square feet and a six month time limit have

been added. A specific rule states that such signs may not display advertising for hire. Real estate signs are allowed as per State law.

NONRESIDENTIAL DISTRICTS

Noncommercial Signs

As discussed above, the proposed regulations include a message substitution clause which allows any allowed commercial sign area to be substituted with a noncommercial message.

A-frame Signs

The current regulations allow retail businesses that primarily sell perishable goods or are not visible from a public street are to have an A-frame sign, with up to 10 square feet in area, only on private property. Based on direction from the Planning Commission, A-frame signs should be allowed on private property within the Villages Districts, as long as they have no more than 5 square feet per side; are no taller than 36 inches in height; are not constructed from plastic; and there is at least 5 feet of clear sidewalk to allow pedestrians to pass by.

Animated and Changeable Copy Signs

Definitions

The current definition for **animated sign** is: “any sign which uses movement or change of lighting, either natural or artificial, to depict action or to create a special effect or scene.”

The proposed definition for **animated sign** is: *A sign with messages that visually change, or images that move or appear to move, more frequently than once every twenty-four (24) hours, regardless of the method by which the visual change is effected. This definition does not include traditional barber poles, hand-held signs, personally attended signs, commercial mascots, scoreboards, or signs which merely display time or temperature. Animated signs include electronic message signs, sometimes called electronic readerboards. A sign which displays a series of still images which change more frequently than once per twenty four hours, whether by digital, LED, or functionally equivalent method, is within this definition.*

The proposed definition for **changeable copy sign** is: *A sign constructed or designed to allow for periodic changes of copy, and for which the copy is changed not more than once each twenty-four (24) hour period. Examples include signs for an auditorium, theater, church, meeting hall or similar uses characterized by human assembly and changing programs or events, or gas station prices. This definition does not include animated signs or electronic reader board signs.*

In the current regulations, animated signs are prohibited with the exception of time/temperature signs and marquee signs. The proposed regulations continue to prohibit the use of electronic copy, animation, rolling or running messages, flashing lights, or copy changes that occur more frequently than once every 24 hours.

Time and Temperature Signs

Case law indicates that creating a content-based exception (i.e. time/temperature signs) is generally unconstitutional. However, cases have been made that time and temperature information is a noncommercial message and could be excluded from the definition of a sign.

It is recommended that the exception for time and temperature signs be removed, to avoid any content-based exceptions and since very few, if any, requests for this type of sign have been made.

Digital Signs

The current Sign Ordinance was adopted before the widespread use of digital electronics for signage. Case law has upheld regulations that ban flashing, blinking and animated signs. However, the use of this technology is becoming more and more common. For examples, schools are using electronic readerboard signs to advertise upcoming events and billboards use digital displays for multiple advertisers. Does the City want to continue to prohibit this type of signage?

Villages Districts Signage

In the current regulations, signs for the downtown area are regulated as part of the special provisions for commercial and manufacturing districts. In the proposed regulations, these provisions are summarized in Tables 23-1 and 23-2. The major proposed changes are based on Planning Commission direction and best practices, and include:

- Reducing the maximum size allowed from 1.6 square feet per foot of street frontage to 1.5 square feet;
- Reducing the maximum size of freestanding signs from 60 square feet to 36 square feet;
- Reducing the maximum height of freestanding signs from 15 feet to 6 feet;
- Requiring a Master Sign Program to permit freestanding signs;
- Removing the requirement that if an awning or canopy is illuminated, then the entire area of said awning or canopy is included in the gross allowable sign area;
- Reducing the thickness of wall signs from two feet to 18 inches; and
- Prohibiting signs attached to the roofs of buildings.

REVIEW AND APPROVAL PROCESS

Current Regulations

Under the current regulations, the Planning Commission reviews and has the authority to approve Master Sign Programs and applications for signs to be located on new buildings, building additions, or buildings undergoing substantial exterior remodel. The Director of Planning and Community Development, or designee, reviews all other applications for sign permits.

Under Section 13 – Design Review, all new uses and structures shall be reviewed by the Planning Commission. Subsection 13.5 – Administrative Approvals states, “The Planning Commission may pre-approve color combinations for use on signs and awnings and repainting of existing buildings. The Director of Planning may administratively approve the use of the pre-approved colors...” This subsection, part 13.5.3, continues to state the principles to be followed in order for the Director of Planning to be able to administratively approve the use of colors. These principles include (d): review of location, size, height, lighting and landscaping of signs as specified in the Sign Ordinance, in relation to traffic hazards and the appearance and harmony with the environment. The intent with respect to review of color is to avoid the use of extreme color. Master Sign Programs are reviewed and approved by the Planning Commission.

Proposed Regulations

The proposed regulations related to the review and approval process are generally the same as the existing rules. However, based on input from the sign law expert, the regulations now include a clause stating: *Whenever any sign permit, variance, conditional use permit, Master Sign Program approval, or other sign-related decision, is made by any exercise of official discretion, such discretion shall be exercised only as to the non-communicative aspects of the sign, such as size, height, orientation, location, setback, illumination, spacing, scale and mass of the structure, etc. Graphic design may be evaluated only for compliance with a Master Sign Program, and then only as to commercial message signs.*

Based on Planning Commission direction, the new regulations also include specific design principles to be used during the review of sign permit applications. These include architectural compatibility; consistency with area character; visibility; legibility; and readability.

ATTACHMENT II

Draft Sign Ordinance/Amendments – Dyett & Bhatia – February 4, 2010

CITY OF BELMONT ZONING ORDINANCE

SECTION 23 – SIGN REGULATIONS

Draft

February 4, 2010

SECTION 23 – SIGN REGULATIONS

Subsections:

- 23.1 Scope and Purpose
- 23.2 General Regulations
- 23.3 Definitions
- 23.4 Sign Measurement Standards
- 23.5 General Design Standards and Principles
- 23.6 Sign Standards for Residential Uses and Districts
- 23.7 Sign Standards for Non-Residential Districts
- 23.8 Temporary Signs
- 23.9 Exempt Signs
- 23.10 Prohibited Signs
- 23.11 Master Sign Program
- 23.12 Sign Maintenance
- 23.13 Nonconforming Signs
- 23.14 Review and Permits Required

23.1 SCOPE AND PURPOSE

23.1.1 **Scope.** This Section consolidates and updates all general provisions regulating signs throughout the City. This Section regulates all signs on private property and all signs on public property which are not otherwise regulated by other Chapters of the Municipal Code.

23.1.2 **Purpose.** The purpose of this Section is to establish regulations for the design, construction, location, and maintenance of signs that balance the need of persons, residents, businesses, visitors, and institutions for adequate identification, communication, and advertising with the objectives of protecting public health, safety, and general welfare and promoting a well-maintained and visually attractive community, consistent with state and federal law. These regulations recognize that the indiscriminate erection, location, illumination, size, and lack of proper maintenance of signs and sign structures, will degrade the quality of the visual environment and the aesthetic character of the community that residents, businesses, and visitors enjoy, which will be detrimental to community well-being and to the local economy. Specifically, these regulations are intended to:

- a. Provide adequate opportunity for the exercise of the free speech right by display of a message or image on a sign, while balancing that opportunity against other community and public interests;
- b. Provide minimum standards to safeguard life, health, property, and public welfare, and promote traffic safety by controlling the design, quality of materials, construction, illumination, size, location and maintenance of signs and sign structures;
- c. Preserve and enhance the visual attractiveness of the City, for residents and visitors;
- d. Protect property values and enhance community appearance by encouraging signs that are compatible with the architectural style, characteristics and scale of the building to which it may be attached and to encourage signs that are compatible with adjacent buildings and businesses;
- e. Enhance overall property values and the visual environment in the City by discouraging signs which contribute to the visual clutter of the streetscape, such as off-site commercial signs, oversized signs, and excessive temporary signing;
- f. Ensure that commercial signs are accessory or auxiliary to a principal business or establishment on or near the same premises, rather than functioning as general advertising for hire.
- g. Discourage signs which cause a traffic safety hazard or interfere with ingress/egress;
- h. Implement the goals and policies of the General Plan and Municipal Code by enforcement of the regulations contained within this Section.

23.2 GENERAL REGULATIONS

- 23.2.1 **Scope.** The policies, rules and regulations stated in this Section apply to all signs within the regulatory scope of this Section and to all provisions of this Section, notwithstanding any more specific provisions to the contrary. Only signs authorized by this Section may be built, displayed, erected or maintained within the City.
- 23.2.2 **Message substitution.** Subject to the property owner's consent, a noncommercial message of any type may be substituted, in whole or in part, for any duly permitted or authorized commercial message or any duly permitted or allowed noncommercial message, provided that the sign structure or mounting device is legal without consideration of message content.
- a. Such substitution of message may be made without any additional approval, permitting, registration or notice to the City. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message.
 - b. Whenever a given parcel or land use has not used all of its permissible sign area, then the unused portion may be exercised for the display of signs displaying noncommercial messages; in such a case, a permit is required only if the sign qualifies as a structure which is subject to a building permit under the Building Code.
 - c. Any onsite commercial message may be substituted, in whole or in part, for any other onsite commercial message, provided that the sign structure or mounting device is legal without consideration of message content.
 - d. This message substitution provision does not: 1) create a right to increase the total amount of signage on a parcel, lot or land use; 2) affect the requirement that a sign structure or mounting device be properly permitted; 3) allow a change in the physical structure of a sign or its mounting device; or 4) authorize the substitution of an off-site commercial message in place of an on-site commercial message or in place of a noncommercial message.
- 23.2.3 **On-site/off-site distinction.** Within this Section, the distinction between on-site (or on-premise or point-of-sale) and off-site (or off-premise or non-point-of-sale) applies only to commercial speech messages.
- 23.2.4 **Non-communicative aspects.** All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently of any permit or approval process.
- 23.2.5 **Scope of review.** Whenever any sign permit, variance, conditional use permit, Master Sign Program approval, or other sign-related decision, is made by any exercise of official discretion, such discretion shall be exercised only as to the non-communicative aspects of the sign, such as size, height, orientation, location,

setback, illumination, spacing, scale and mass of the structure, and other criteria as specified under subsection 23.5.8.

- 23.2.6 **Legal nature of sign rights.** As to all signs attached to real property, the signage rights, duties and obligations arising from this Section attach to and travel with the land or other property on which a sign is mounted or displayed.
- a. This provision does not modify or affect the law of fixtures, sign-related provisions in private leases regarding signs (so long as they are not in conflict with this article or other law), or the ownership of sign structures.
 - b. This provision does not apply to hand-held signs or other images which are aspects of personal appearance.
- 23.2.7 **Owner's consent.** No sign may be placed on private property without the consent of the property owner or persons holding the present right of possession and control.
- 23.2.8 **Severance.** If any subsection, sentence, clause, phrase, word, portion or provision of this Section is held invalid or, unconstitutional, or unenforceable, by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other subsection, sentence, clause, phrase, word, portion, or provision of this Section which can be given effect without the invalid portion. In adopting this Section, the City Council affirmatively declares that it would have approved and adopted the Section even without any portion which may be held invalid or unenforceable.

23.3 DEFINITIONS

These are the definitions that apply within this Section (23: Sign Regulations), regardless of how the terms may be defined in the Belmont Municipal Code.

- 23.3.1 **A-frame Sign.** A portable sign capable of standing without support or attachment with a frame in the shape of the letter A. Also within this definition are frames in the shapes of the letters T and H, and functionally similar structures.
- 23.3.2 **Animated Sign.** A sign with messages that visually change, or images that move or appear to move, more frequently than once every twenty-four (24) hours, regardless of the method by which the visual change is effected. This definition does not include traditional barber poles, hand-held signs, personally attended signs, commercial mascots, scoreboards, or signs which merely display time or temperature. Animated signs include electronic message signs, sometimes called electronic readerboards. A sign which displays a series of still images which change more frequently than once per twenty four hours, whether by digital, LED, or functionally equivalent method, is within this definition.
- 23.3.3 **Apparel.** Apparel includes any type of personal clothing, but does not include any items worn on a body that include devices used for the support or mounting of signage.

- 23.3.4 **Awning.** Any structure made of flexible fabric or similar material covering a metal frame attached to a building, whether or not the same is so erected as to permit its being raised to a position flat against the building when not in use.
- 23.3.5 **Awning Sign.** A visually communicative element placed upon an awning.
- 23.3.6 **Banner.** Any sign of lightweight fabric or similar material that is mounted to a pole, fence, or a building at one or more edges. Flags and street banners are not within this definition.
- 23.3.7 **Billboard.** A sign which is mounted or displayed on a permanent structure and which meets any one or more of these criteria (1) it is used for the display of off-site commercial messages; (2) it constitutes a principal, separate or secondary use, as opposed to an accessory or auxiliary use, of the parcel on which it is located; (3) A permanent structure outdoor sign used as general advertising for hire, e.g., on which display space is made available to parties, other than the owner or operator of the sign or occupant of the parcel (not including those who rent space from the sign owner, when the message on the sign qualifies as "on-site" as defined herein), for a rent or other consideration. Authorized temporary signs which display off-site commercial messages are not within this definition.
- 23.3.8 **Canopy.** Any structure other than an awning made of flexible fabric or similar material covering a metal frame supported by the ground or sidewalk.
- 23.3.9 **Changeable Copy Sign.** A sign constructed or designed to allow for periodic changes of copy, and for which the copy is changed not more than once each twenty-four (24) hour period. Examples include signs for an auditorium, theater, church, meeting hall or similar uses characterized by human assembly and changing programs or events, or gas station prices. This definition does not include animated signs or electronic reader board signs.
- 23.3.10 **City Property and Public Rights of Way.** Land or other property in which the City of Belmont or the Belmont Redevelopment Agency holds a present right of possession and control, plus all public rights of way, regardless of ownership. City property includes any: curbstone, lamppost, pole, bench, hydrant, bridge, wall, tree, sidewalk, or structure in or upon any public street, alley, public right of way, or any other public property.
- 23.3.11 **Commercial Message.** A message on a sign, or portion of a sign, which displays a message which proposes an economic transaction, primarily concerns the economic interests of the sign sponsor and/or audience, or debate in the marketplace of goods and services.
- 23.3.12 **Commercial Mascot.** A person or animal attired or decorated with commercial insignia, images or symbols, and/or holding signs displaying commercial messages. Includes sign twirlers and sign clowns, but does not include hand-held signs displaying noncommercial messages.

- 23.3.13 **Construction Sign.** A temporary sign displayed on the site of a construction, remodeling, or major landscaping project during the period of time of actual construction activity.
- 23.3.14 **Copy.** Any letters, numerals, or symbols displayed on a sign face to convey a message to the public.
- 23.3.15 **Directional Sign.** Any sign, other than a highway marker or any sign erected and maintained by public authority, or a public utility which is designed, erected and maintained for the purpose of directing persons to a place, structure, or activity.
- 23.3.16 **Director.** Within Section 23 of the Zoning Ordinance, the term “Director” refers to the Community Development Director of the City, or designee.
- 23.3.17 **Drive-through Signage.** Signs mounted on the premises of an establishment which provides services to customers or clients while they are in their vehicles and which provides directional or other information.
- 23.3.18 **Establishment.** Any legal use of land, other than long-term residential, which involves the use of structures subject to the Building Code and the presence of human beings on the premises more than thirty-two (32) hours per week. By way of example and not limitation, this definition includes businesses, factories, farms, schools, hospitals, hotels and motels, offices and libraries but does not include single-family homes, mobile homes, residential apartments, residential care facilities, or residential condominiums. Also, the definition does not include automated facilities such as power transformers, radio and television transmitters, vending machines, newsracks, etc.
- 23.3.19 **Exempt Sign.** A sign which may be legally displayed, erected or maintained, but is not subject to a sign permit requirement. See subsection 23.9.
- 23.3.20 **Face.** That portion of a sign upon which the communicative copy or graphic image is mounted or displayed.
- 23.3.21 **Face Change.** A change in color, material, copy, graphics, or visual image that requires the installation of a new or modified sign face, but which does not involve any change to an existing sign structure or mounting device. Does not include changeable copy signs.
- 23.3.22 **Flag.** Any fabric, banner, or bunting containing distinctive colors, patterns, or design that displays the symbol(s) of a nation, state, local government, company, organization, belief system, idea, or other meaning.
- 23.3.23 **Freestanding Sign.** A permanent sign that is self-supporting in a fixed location and not attached to a building. It includes a sign connected or attached to a sign structure, fence, or wall that is not an integral part of a building. Freestanding signs are of two (2) types: monument and pole. However, flag poles are not within this definition.

- 23.3.24 **Garage Sales.** The occasional non-business public sale of used, secondhand or homemade household goods, conducted from a residential use. Does not include any event for which a business license or an auctioneer's license or other business license is required. Includes estate, yard and moving sales events.
- 23.3.25 **General Advertising.** The business of advertising or promoting other businesses or causes using methods of advertising, in contrast to self-promotion or on-site advertising; also known as advertising for hire.
- 23.3.26 **Government Sign.** Any temporary or permanent sign erected and maintained by or required by the City, county, regional, state, or federal government, or government transportation or transit agencies, for the purpose of providing official governmental information to the general public, including but not limited to: traffic direction, city entrance, or for designation of direction to any school, hospital, historical site, or public service, property or facility.
- 23.3.27 **Graffiti Vandalism.** Marks, such as inscriptions, drawings, or designs, which are placed, scratched, etched, painted, or sprayed on public or private property without the owner's consent.
- 23.3.28 **Gross Surface Area of Sign.** The area contained within a single continuous perimeter enclosing all parts of such sign copy but excluding any structural elements outside the limits of the sign, which are required for the supporting of such sign.
- 23.3.29 **Hand-held Sign.** A sign which is physically held by a person, or attached to the body of, a person or animal; not including on apparel or aspects of personal appearance. Sometimes referred to as an "animate sign." This category does not include "commercial mascots."
- 23.3.30 **Home Occupation Sign.** A sign located at a residence advertising a business or profession legally conducted within the residence in accordance with city regulations for home occupations.
- 23.3.31 **Illuminated Sign.** A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign. This includes signs made from neon or other gas tube(s) that are bent to form letters, symbols, or other shapes. Ambient lighting, by itself, does not make a sign "illuminated."
- 23.3.32 **Marquee.** A permanent roof-like structure or canopy made of rigid materials supported by and extending from the facade of a building.
- 23.3.33 **Marquee Sign.** A non-digital, changeable copy sign advertising an event, performance, service, seminar, conference, or show, and displayed on a marquee.
- 23.3.34 **Master Sign Program.** A coordinated sign plan which includes details of all signs (not including exempt or temporary signs) which are or will be placed on a site, including master identification, individual business and directory signs.

- 23.3.35 **Mobile Billboard.** Any vehicle, or wheeled conveyance which carries, conveys, pulls, or transports any sign or billboard for the primary purpose of advertising a commercial or noncommercial message, or other general advertising for hire.
- 23.3.36 **Monument Sign.** A freestanding sign constructed upon a solid-appearing base or pedestal. This definition applies to pole signs when the poles have been covered by cladding, and thus are not visible.
- 23.3.37 **Name Plate.** A sign that identifies the occupant and/or address.
- 23.3.38 **Non-conforming Sign.** A sign lawfully erected and legally existing on the effective date of this Section, or of amendments thereto, but which does not conform to the provisions of this Section.
- 23.3.39 **Noncommercial Message.** A message or image on a sign, or portion of a sign, which displays noncommercial speech, e.g., commentary or advocacy on topics of public debate and concern. This definition shall be construed and interpreted in light of relevant court decisions. Noncommercial messages do not have a location factor, such as on-site or off-site.
- 23.3.40 **Non-communicative Aspects.** Those aspects of a sign which are not directly communicative, such as physical structure, mounting device, size and height, setback, illumination, spacing, density, scale and mass relative to other structures, etc.
- 23.3.41 **Off-site or Off-premise Sign.** A sign that identifies, advertises or attracts attention to a business, product, service, event or activity sold, existing or offered at a different location (subject to the qualifications stated in the definition of "On-Site Sign"). The off-site/on-site distinction applies only to commercial messages.
- 23.3.42 **On-site or On-premise Sign.** Any sign or portion thereof that identifies, advertises, or attracts attention to a business, product, service, event or activity sold, existing or offered upon the same property or land use as the sign. The off-site/on-site distinction applies only to commercial messages.
- a. Directional signs are considered on-site when located within zero to twenty (0-20) feet from the front property line or establishment to which they pertain.
 - b. In the case of multiple tenant commercial or industrial developments, a sign is considered "on-site" whenever it is located anywhere within the development.
 - c. In the case of a duly approved master sign program, a sign anywhere within the area controlled by the program is "on-site" when placed at any location within the area controlled by the program.
 - d. In the case of a redevelopment project, any sign displayed within the project area is considered on-site as to an establishment also located within the project area.

- e. In the case of temporary construction signs, all messages concerning parties involved in the project, and future uses of the development, are considered on-site.
 - f. In the case of A-frame signs allowed on public sidewalks, the sign is considered onsite if it is located within five (5) feet of a main public entrance to the subject establishment.
- 23.3.43 **On-site Advisory Sign.** A sign which provides services, direction or courtesy information intended to assist the public, such as the location of facilities (e.g., entrances, walk-up windows and self-service operations); and courtesy information (e.g., hours of operation, handicapped accessibility, restrooms); and directional signs for vehicles, bicycles, and pedestrians.
- 23.3.44 **Pennant.** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, attached to a rope, wire, or string, usually in a series, designed to move in the wind and attract attention. Flags are not within this definition.
- 23.3.45 **Personally-attended.** A sign that is personally-attended has a live person physically present, within five (5) feet of the sign structure, for at least 55 minutes per hour.
- 23.3.46 **Pole Sign.** A freestanding sign supported by one (1) or more posts, pylons, pipes, or other vertical supports.
- 23.3.47 **Projecting Sign.** Any sign which is attached to the face of a building and projects more than eighteen (18) inches from the face. This category includes shingles (under canopy signs) and blade signs.
- 23.3.48 **Portable Sign.** A sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to: signs designed to be transported by means of wheels, A-frames, and balloons. Banners are not considered portable signs.
- 23.3.49 **Primary Building Face.** That wall of a building which contains the principal entrance or entrances to the building. If there are principal entrances in more than one (1) wall, the longest of the walls in which principal entrances are located shall be the primary building face. "Primary building face" shall include not only the wall itself but all doors, windows, or other openings therein and projections therefrom.
- 23.3.50 **Real Estate Sign.** Any sign, temporary in nature, with copy which concerns a proposed sale, rent, lease or exchange of real property. This definition does not include occupancy signs at establishments offering transient occupancy, such as hotels, motels and "bed and breakfast" facilities. All signs described in Civil Code 713 are within this definition.

- 23.3.51 **Roofline.** The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.
- 23.3.52 **Roof Sign.** Any sign located on a roof of a building or having its major structural supports attached to a roof.
- 23.3.53 **Sign.** Any identification, description, illustration, or device illuminated or non-illuminated, which is visible to the general public from any exterior public right of way, and directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, or placard designed to advertise, identify, or convey information. A display, device, or thing need not contain lettering to be a sign. Notwithstanding the generality of the foregoing, the following are not within this definition:
- a. Aerial signs or banners towed behind aircraft;
 - b. Automated Teller Machines (ATMs) when the lettering is not wider than the machine;
 - c. Architectural features. Decorative or architectural features of buildings (not including lettering, trademarks or moving parts), which do not perform a communicative function;
 - d. Fireworks, etc. The legal use of fireworks, candles and artificial lighting not otherwise regulated by this Chapter;
 - e. Foundation stones and cornerstones;
 - f. Grave markers, grave stones, headstones, mausoleums, shrines, and other markers of the deceased;
 - g. Historical plaques;
 - h. Holiday and cultural observance decorations on private residential property which are on display for not more than 45 calendar days per year (cumulative, per parcel or use) and which do not include commercial advertising messages.
 - i. Inflatable gymnasiums. Inflatable, temporary, moveable, gymnasium devices commonly used for children's birthday parties, and similar devices. Also called "party jumps."
 - j. Interior graphics or signage. Visual communicative devices that are located entirely within a building or other enclosed structure and are not visible from the exterior thereof, or located on the inside of a building and at least three feet from the window.
 - k. Manufacturers' marks. Marks on tangible products, which identify the maker, seller, provider or product, and which customarily remain attached to the product even after sale.
 - l. Mass transit graphics. Graphic images mounted on duly licensed and authorized mass transit vehicles that legally pass through the city;

- m. Menu boards not exceeding four square feet per display area at establishments serving food to customers who eat on the premises, or eight square feet at establishments where the menu board serves customers who “take out” their food;
- n. Merchandise on public display and presently available for purchase on-site;
- o. Newsracks and newsstands;
- p. Overhead signs: Graphic images which are visible only from above, such as those visible only from airplanes or helicopters, when such images are not visible from the street surface or public right-of-way;
- q. Personal appearance. Items or devices of personal apparel, decoration or appearance, including tattoos, makeup, wigs, costumes, masks, etc. (but not including commercial mascots or hand-held signs);
- r. Search lights and klieg lights when used as part of a search and rescue or other emergency service operation; this exclusion does not apply to search lights or klieg lights used as attention attracting devices for commercial or special events;
- s. Shopping carts, golf carts, horse drawn carriages, and similar devices; any motorized vehicle which may be legally operated upon a public road is not within this exclusion.
- t. Symbols embedded in architecture. Symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal; by way of example and not limitation, such symbols include stained glass windows on churches, carved or bas relief doors or walls, bells, religious statuary, etc.
- u. Vehicle and Vessel Insignia. On street legal vehicles and properly licensed watercraft: license plates, license plate frames, registration insignia, noncommercial messages, messages relating to the business of which the vehicle or vessel is an instrument or tool (not including general advertising) and messages relating to the proposed sale, lease or exchange of the vehicle or vessel;
- v. Vending machines and product dispensing devices which do not display offsite commercial messages or general advertising messages;
- w. Window displays. The display, in a store window, of merchandise which is available for immediate purchase.

23.3.54 **Sign Permit.** A written authorization from the City to erect, maintain or display a sign.

23.3.55 **Street Frontage.** The lineal distance of the property parallel to the street right-of-way.

23.3.56 **Street Banner.** A sign made of material similar to heavy canvas or reinforced

plastic, and attached to poles which are located across Ralston Avenue between El Camino Real and Sixth Avenue; or located across Ralston Avenue between Old County Road and Granada Street; or other location determined by the City of Belmont.

- 23.3.57 **Temporary Sign.** A structure or device used for the public display of visual messages or images, which is made of lightweight or flimsy materials and is easily installed with common hand tools, or without tools, and which is not intended for or suitable for long term or permanent display, due to the lightweight or flimsy construction materials.

- 23.3.58 **Traditional Public Forum.** The surfaces of city-owned streets, city-owned parks, sidewalks which are connected to the City's main pedestrian circulation system, and the pedestrian area immediately surrounding City Hall (not including the interior thereof). In consultation with the City Attorney, the Director shall interpret this phrase for compliance with court decisions.

- 23.3.59 **Time/Temperature Sign.** An electronic or mechanical device which shows time and/or temperature, but contains no business identification or advertising.

- 23.3.60 **Visibility Triangle.** An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street or driveway lines. For the purposes of the sign ordinance, this area will be defined as the portion of both public and private property at any corner bounded by the edge of a roadway of the intersecting streets and a line joining points on the edge of the roadway fifteen (15') feet, unless otherwise determined by the traffic engineer, from the point of intersection of the edges of the roadway.

- 23.3.61 **Wall Sign.** Any sign attached to, erected against or painted upon the wall of a building or structure, the face of which is in a single plane parallel to the plane of the wall. Wall signs also include signs on a false or mansard roof.

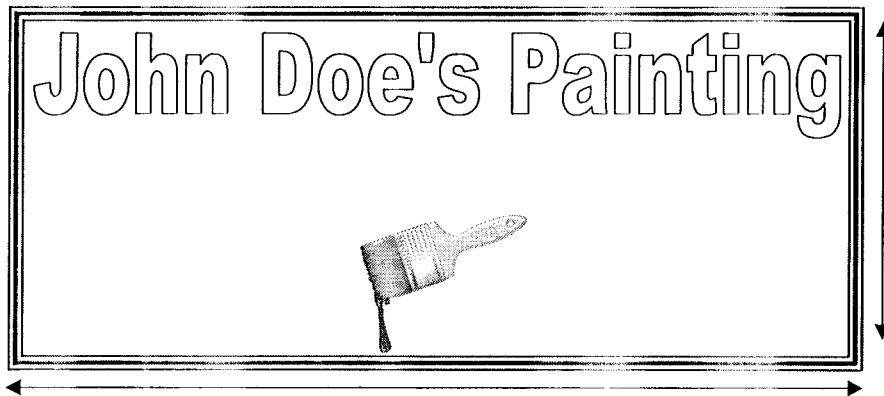
- 23.3.62 **Window Sign.** Any sign on the ground floor or a building, on or within four (4) foot of a window, intended to be viewed from the exterior or such building. On-site advisory signs are not considered window signs.

23.4 SIGN MEASUREMENT STANDARDS

- 23.4.1 **Measuring Sign Area.** Sign area includes the entire face of a framed, outlined, or painted sign, but does not include the supporting structure, unless the supporting structure is designed to constitute a display device.

Sign Measurement Example =

(Height A x Length A)



- a. **Architectural Features.** Architectural features of a freestanding sign that are not an integral part of the sign, such as the solid base, landscaping, or other structural form, shall not be counted as part of the sign area.
 - b. **Two-sided Signs.** When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and are part of the same sign structure, the sign area shall be calculated as the measurement of one of the two faces.
 - c. **Multi-faced and Three-dimensional Signs.** The sign area of signs with two sides which are not back to back, or signs with three or more faces, or three-dimensional signs (i.e. balls, cubes, clusters of objects, sculpture, or statue-like trademarks), shall be calculated as the sum of the surface area of all sign faces.
- 23.4.2 **Measuring Sign Height/Maximum Projection from Grade.** The height of a sign is the vertical distance from the uppermost point used to measure sign area to the existing grade immediately below the sign whichever measurement is the greatest.
- 23.4.3 **Measuring Vertical Ground Clearance.** Sign clearance shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.
- 23.4.4 **Building Frontage.** A building's frontage is considered continuous if projections or recesses in a building wall do not exceed ten (10) feet in any direction. For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each building frontage.

23.5 GENERAL DESIGN STANDARDS AND PRINCIPLES

- 23.5.1 **Materials.** Signs shall be made of sturdy, durable materials. Paper, cardboard and other materials subject to rapid deterioration shall be limited to temporary signs.
- 23.5.2 **Clearance from Utilities.** Signs and their supporting structures shall maintain clearance from and not interfere with electrical conductors, communications equipment or lines, surface and underground facilities and conduits for water, sewage, gas, electricity and communications equipment or lines.
- a. **Utility Easements.** Signs shall not be placed in public utility easements unless express written permission from the affected public utility is obtained.
 - b. **Clearance from Electrical Power Lines.** Signs shall maintain clearance from energized electric power lines as prescribed by the California Public Utilities Code, the regulations of the California Public Utilities Commission, and the orders of the California Division of Industrial Safety, as now in force and as hereafter amended.
 - c. **Encroachment Permit.** Signs mounted on private property may project into or above public property or the public right of way only pursuant to an encroachment permit.
- 23.5.3 **Location to Protect Traffic and Pedestrian Safety.** No sign may be placed or located in such a manner as to constitute a safety hazard or to impede the public use of the public right-of-way, by factors such as sight distance, tripping hazard, etc.
- a. **Sidewalks.** No sign shall be mounted or displayed in such a manner that it blocks or impedes the normal pedestrian use of public sidewalks; a minimum of four (4') feet sidewalk width clearance shall be maintained at all times.
 - b. **Traffic and Intersections.**
 - i. Signs erected or maintained at or near any street intersection may not obstruct the free and clear vision of drivers and pedestrians. Other than traffic control signals, no sign shall be installed in the visibility triangle at intersections.
 - ii. No sign may be mounted or displayed when, by reason of position, shape or color, it may be confused with authorized traffic signs or signals.
 - c. **Exits and Entrances.** No sign may be placed, mounted, erected or installed in any manner which obstructs the use of any door, window or fire escape.
- 23.5.4 **Mounting.** All permanent signs shall be firmly anchored, shall comply with all requirements for public safety, and shall satisfy all applicable safety codes and all other applicable governmental enactments, rules, regulations, or policies.
- 23.5.5 **Prohibited Mountings.**

- a. **Public Right of Way.** Other than official government signs or warning signs required by law, no inanimate sign shall be placed in median strips or islands, on retaining walls, bridges, benches, traffic signals, poles or utility equipment, street lighting, or utility poles or on traffic signs or traffic sign posts or supporting structures, or on utility poles or anchor wires or guy wires.
- b. **Trees.** No sign shall be affixed to or cut into any tree or other living vegetation.
- c. **Terrain.** No sign may be cut, burned, marked or in any other displayed on a cliff or, hillside.

23.5.6 **Illumination and Sound.** No sign shall flash, blink, or emit a varying intensity of light or color, or make or emit any sound, or emit smoke or vapors.

- a. **Exception.** Time & Temperature signs may use animation to display this information only.
- b. **Light Sources.** Light sources shall be concealed or shielded to prevent or minimize light spillage, glare, momentary blindness, or other annoyance, disability or discomfort to persons within the view of such light sources.
- c. **Light Sources Adjacent to Residential Areas.** Illuminated signs located adjacent to any residential area shall be controlled by a rheostat or another acceptable method so as not to create excessive glare to properties within said residential district.
- d. **Exposed Lighting.** Signs using exposed light sources, such as neon tubing, unshielded light bulbs or fluorescent tubes, or any interior lighted sign with transparent or translucent faces may receive final approval only when the Director or Planning Commission finds that the light from the sign does not cause unreasonable glare or annoyance to passersby or neighbors.
 - i. A permit to construct such a sign may be issued conditionally, and is not final until the Director makes the necessary finding. Such finding may be made only at a duly noticed public hearing at which evidence is taken and a written decision is issued.
 - ii. The Director's inquiry shall not include consideration of the message content of the sign, and shall be restricted to the physical method of presentation of the message.

23.5.7 **Changeable Copy.**

- a. **Maximum Area Allowed.** Changeable copy shall cover no more than 25 percent of the total sign area, except as otherwise provided in this subsection for marquee signs (23.5-14).
- b. **Maximum Frequency of Changes.** Copy may not be changed more than once every 24 hours, except for time and/or temperature signs.
- c. **Electronic Copy.** Automatic changeable copy in which copy can be changed or altered by electric, electro-mechanical, electronic, or any other artificial energy means is prohibited, except for time and/or temperature signs.

- d. **Animated Copy.** Changeable copy signs shall not contain animation, rolling or running letters or message, flashing lights or displays as part of the display.

23.5.8

Design Principles. The following are the design principles for the administrative review of signs (see subsection 23.14):

- a. **Architectural Compatibility.** A sign (including its supporting structure, if any) shall be designed as an integral design element of a building's architecture and architecturally compatible, including color and scale, with any building to which the sign is to be attached and with surrounding structures. A sign that spills over "natural" boundaries or architectural features and disrupts parts of upper floors of buildings is detrimental to visual order is not permitted.
- b. **Consistency with Area Character.** The size, materials, illumination, and other architectural features of the sign structure shall be in keeping with the visual character of the street or area in which it is proposed.
- c. **Visibility.** A sign shall be conspicuous and readily distinguishable from its surroundings.
- d. **Legibility.** The size and proportion of the elements of the sign's message, including logos, letters, icons and other graphic images, shall be selected based on the anticipated distance and travel speed of the viewer.
 - i. Colors chosen for the sign text and/or graphics shall have sufficient contrast with the sign background in order to be easily read during both day and night hours.
 - ii. Lettering on the sign shall be complementary size, proportion and font.
 - iii. Sign messages oriented towards pedestrians shall be smaller than those oriented towards automobile drivers
- e. **Readability.** To ensure that signs perform their essential communicative function appropriately, characteristics such as the proportion between different parts of the sign, visibility from important vantage points, and other design features will be considered. A sign message shall be easily recognized and designed in a clear, unambiguous and concise manner, so that a viewer can understand or make sense of what appears on the sign. Excessive use of large areas of several colors can create competition for the eye and significantly reduce readability.

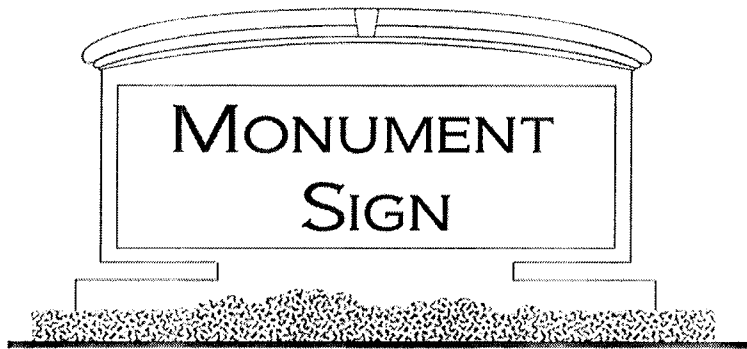
23.5.9

Freestanding Signs. Freestanding signs are subject to the specific zoning district standards in subsection 23.6 ("Sign Standards for Residential Uses and Districts") and subsection 23.7 ("Sign Standards for Non-Residential Districts") and the following standards:

- a. **Permitted Sites.** Freestanding signs are permitted only on a parcel of land with at least one hundred fifty feet of continuous street frontage and where the main building is setback at least twenty (20) feet from the property line.
- b. **Maximum Number.** A maximum of one freestanding sign per street frontage is permitted.

- c. **Type.** Freestanding signs shall be monument or ground signs unless traffic safety and visibility limitations require higher signs, or pole signs.
- d. **Landscape.** All monument signs shall require automatic irrigated landscape at the base equivalent to two times the area of the sign copy.

Figure 23.5-1 Freestanding Monument Sign

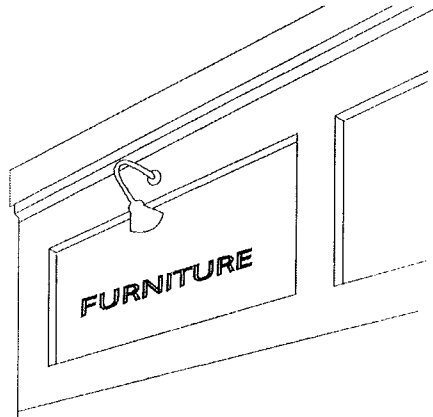


- 23.5.10 **Wall Signs.** Wall signs are subject to the specific zoning district standards in subsection 23.6 (“Sign Standards for Residential Uses and Districts”) and subsection 23.7 (“Sign Standards for Non-Residential Districts”) and the following standards:
- a. **Maximum Number.** Maximum one per street frontage or one per tenant space.
 - b. **Height.** Wall signs shall not extend higher than the building wall upon which they are attached except on a peaked, mansard, or shed roof where the sign may be placed in such a manner that the highest point on the sign shall be no higher than the lowest two-thirds of the roof height and providing that the vertical dimension of the sign shall be no greater than one-third the vertical dimension of the roof.
 - c. **Exception for Additional Wall Signs for Multi-Story Buildings.** A maximum of one additional wall sign per street frontage is allowed for buildings three stories or taller, which may be mounted on the top floor level. The signs count towards the maximum total area of allowed signage.
 - d. **Coverage.** Wall sign copy shall not occupy more than 75 percent of the length of the wall to which the sign is attached.
 - e. **Projection.** Wall signs cannot extend more than 18 inches beyond the face of the wall to which they are attached.
 - f. **Placement.** No wall sign may cover wholly or partially any required wall opening.
 - g. **Design.** No wall sign shall be designed as a “can sign”, i.e. a metal box with an interior light fixture and a plastic face. Illuminated wall signs shall consist of

signs with exterior illumination, or signs with individual internally illuminated letters.

- h. **Orientation.** Unless a different orientation is specifically authorized, each wall-mounted sign shall be placed flat against the wall of the building.

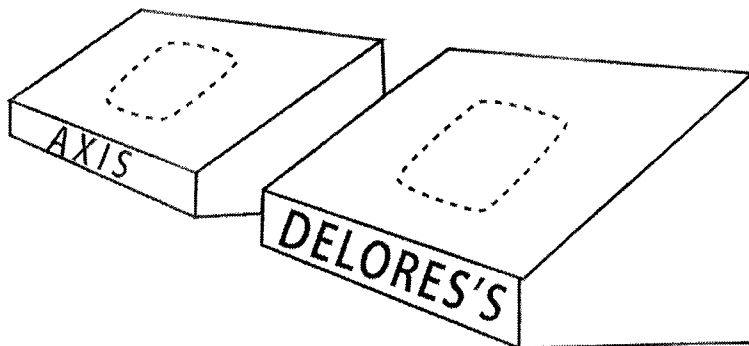
Figure 23.5-2 Wall Sign



- 23.5.11 **Awning and Canopy Signs.** Awning and canopy signs may be attached to or painted on the vertical edges of awnings, canopies, arcades, or similar features or structures. Awning and canopy signs are also subject to the specific zoning district standards in subsection 23.6 (“Sign Standards for Residential Uses and Districts”) and subsection 23.7 (“Sign Standards for Non-Residential Districts”) and the following standards:

- a. **Sign Height.** Maximum of 20 feet.
- b. **Sign Clearance.** Minimum of eight feet.

Figure 23.5-3 Awning Sign

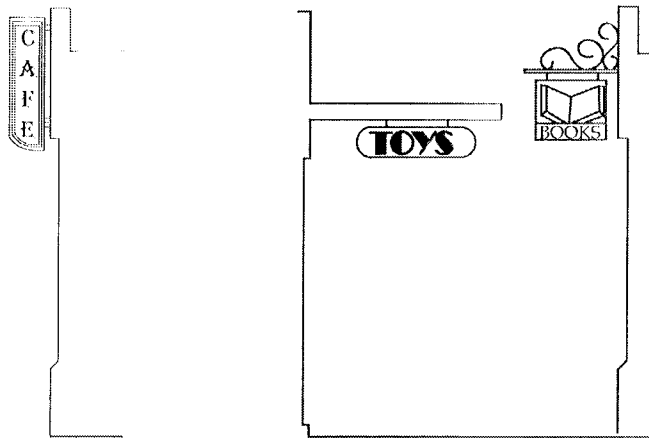


- 23.5.12 **Projecting Signs.** A sign may project horizontally from the exterior wall of a building provided that such projection conforms to the specific zoning district

standards in subsection 23.6 (“Sign Standards for Residential Uses and Districts”) and subsection 23.7 (“Sign Standards for Non-Residential Districts”) and the following standards:

- a. **Maximum Number.** A maximum of one projecting sign per building or tenant space.
- b. **Maximum Size.** A maximum of eight square feet; larger size requires approval of a master sign program.
- c. **Sign Height.** Maximum of 20 feet above the surface of the sidewalk or street or above an eave or roof, whichever is lower.
- d. **Sign Clearance.** Minimum of eight feet clear between the sidewalk and the bottom of the sign.
- e. **Width.** A projecting sign shall be no more than two foot thick.
- f. **Projection.** A projecting sign cannot extend more than four feet from the building to which it is attached and shall be designed and located so as to cause no harm to street trees.

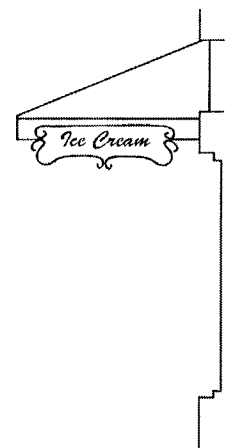
Figure 23.5-4 Projecting Signs



23.5.13 **Shingle Signs.** Signs suspended beneath a marquee, covered walkway, awning, or canopy in conjunction with pedestrian walkways, are allowed, subject to the specific zoning district standards in subsection 23.6 (“Sign Standards for Residential Uses and Districts”) and subsection 23.7 (“Sign Standards for Non-Residential Districts”) and the following standard:

- a. **Maximum Number.** Maximum one per building or tenant space.
- b. **Maximum Size.** Six square feet.
- c. **Sign Clearance.** Minimum of eight feet.
- d. **Illumination.** The sign may not be specially illuminated.

Figure 23.5-5 Shingle Sign



- 23.5.14 **Marquee Signs.** Marquee signs are subject to the specific zoning district standards in subsection 23.6 (“Sign Standards for Residential Uses and Districts”) and subsection 23.7 (“Sign Standards for Non-Residential Districts”) and the following standards:
- a. **Maximum Number.** Maximum one per site.
 - b. **Where Permitted.** Marquee signs are permitted only for movie theaters, performance theaters, churches, assembly halls, convention centers, and other uses characterized by human assembly and changing programs or events on a regular basis.
 - c. **Sign Location.** No portion of a marquee sign shall be higher than the eave line or parapet wall of a building.
 - d. **Sign Height.** Maximum four feet in vertical dimension.
 - e. **Sign Clearance.** Minimum of eight feet.
 - f. **Projections.** A marquee sign may extend from the building to which it is attached but no closer than two feet from the curb line.
 - g. **Changeable Copy.** Changeable copy may occupy up to 75 percent of the area of a marquee sign.

Figure 23.5-6 Marquee Sign



- 23.5.15 **Window Signs.** Permanent window signs painted or otherwise adhered directly onto a window are subject to the specific zoning district standards in subsection 23.6 (“Sign Standards for Residential Uses and Districts”) and subsection 23.7 (“Sign Standards for Non-Residential Districts”) and the following standards:
- a. **Height.** Window signs shall not be mounted or placed on windows higher than the second story.
 - b. **Size.** Window signs may not occupy more than 25 percent of the window area; and are not included in the gross allowable sign area.

23.6 SIGN STANDARDS FOR RESIDENTIAL USES AND DISTRICTS

23.6.1 Single Family Detached and Duplex Residential Uses

- a. **Maximum Total Sign Area.** On legal, detached, single-family and duplex residential structures, each dwelling unit may display, at all times and in all zones, a total of eight (8) square feet of sign area. Measurement standards are defined in subsection 23.4.
 - i. The total sign area is an aggregate limit that covers all types of permitted signs.
 - ii. Such area may be used for any combination of noncommercial, garage sale signs, real estate messages, name plates, or other types as specifically allowed by this Section.
- b. **Additional Allowed Signs.** The following types of signs are allowed in addition to the maximum sign area:
 - i. Each dwelling unit may display noncommercial flags with a total area of no more than 24 square feet.
 - ii. Address numeral signs with display faces no more than eight (8) inches in height on house, fence, or curb. Any address numeral signs with display faces greater than 8 inches in height will be counted as part of the total sign area allowed.
- c. **Sign Types and Location.** Signs may be freestanding signs, window signs, or wall-mounted signs. Signs may be posted or displayed from the yard, window, door, balcony, or outside wall of the separate interest. They may be temporary or permanent.
- d. **Maximum Height.** Freestanding signs may be no more than four (4) feet in height.
- e. **Prohibited.** Signs on residential uses and in residential districts may not display general advertising for hire.

23.6.2 Multi-Family Residential Uses

- a. **Maximum Total Sign Area per Residential Complex.** Each individual multi-family residential complex may display up to a total of twelve (12) square feet of sign area on sites less than 20,000 square feet in size, up to a total of twenty-four (24) square feet on larger sites.
- b. **Sign Types and Location.** Signs may be freestanding signs, window signs, or wall-mounted signs. They may be temporary or permanent.
- c. **Maximum Height.** Freestanding signs may be no more than four feet in height.

- d. **Additional Allowed Signs for Residential Complexes.** In addition to the maximum sign area, each multi-family residential complex may display non-commercial flags with a total area of no more than 24 square feet.
- e. **Sign Area Allowed Per Unit.** Subject to the enforceable terms of private agreements (such as rental agreements and leases), and in addition to the sign area per lot, each individual dwelling unit may display up to a total of two (2) square feet of noncommercial sign area mounted on the window, wall, or door. Special illumination is not permitted.

23.6.3 **Institutional Uses and Conditional Uses in Residential Districts**

- a. **Applicability.** Establishments of an institutional nature, such as educational, religious, civic, noncommercial, hospitals, sanitariums, rest homes or other conditionally approved uses.
- b. **Maximum Total Sign Area.** Up to 12 square feet
- c. **Sign Types.** Signs may be mounted on the wall or freestanding monument signs. Signs shall be permanent.
- d. **Location.** Freestanding signs shall not be located closer than ten (10) feet to any street line or within five (5) feet to any side property line.
- e. **Maximum Height.** Freestanding signs may be no more than four feet in height.
- f. **Changeable Copy.** Changeable copy signs are allowed for uses characterized by human assembly and changing programs or events.

23.6.4 **Permit Requirements.** Temporary signs, including posters, flags, or banners made of paper, cardboard, cloth, plastic, or fabric or other comparable materials, are allowed without a permit, provided they comply with all the standards in this Section. A sign permit is required only when the sign qualifies as a structure, as defined in the building code.

23.6.5 **Prohibitions.**

- a. **Commercial Speech Prohibited.** Commercial messages on signs are prohibited, except for garage sale signs, home occupation signs, real estate signs and construction project signs as allowed under this Section.
- b. **Materials.** Signs may not be made of lights, roofing, siding, paving materials, flora, or balloons, or any other similar building, landscaping, or decorative component, or include the painting of architectural surfaces.
- c. **Mounting.** Signs may not be mounted or painted on roofs.
- d. **Lighting.** Signs may not be internally illuminated, except for address signs.

23.6.6 **Home Occupation Signs.** A nameplate not exceeding one (1) square foot in area is permitted for a home occupation, provided that the use complies with all city standards. Home occupation signs must be permanent; they may not be designed as temporary signs or use changeable copy.

- 23.6.7 **Garage Sale Signs.** Garage sale signs may be posted on the day of event only, sunrise until sale closes, but not later than sunset.
- Maximum size per sign:** two (2) square feet per side
 - Total number of signs:** three (3)
- 23.6.8 **Temporary Construction Identification Signs.** Allowed if they comply with the provisions of subsection 23.8.
- 23.6.9 **Temporary Real Estate Signs.** Allowed if they comply with the provisions of subsection 23.8.

23.7 SIGN STANDARDS FOR NON-RESIDENTIAL DISTRICTS

- 23.7.1 **Types of Signs.** The following table establishes the types of permanent signs allowed in non-residential districts:

Table 23.7-1: Permitted Permanent Signs

	Building Mounted			Awning and Canopy	Projecting		Freestanding	
	Wall	Marquee	Roof		Shingle	Blade	Pole	Monument
Commercial and Mixed-use Districts								
C1	■	○	○	■	■	■	■	■
C2	■	■	○	■	■	■	■	■
C3	■	■	○	■	■	■	■	■
C4	■	○	○	■	■	■	■	■
V2	■	■	○	■	■	■	■	■
V3	■	■	○	■	■	■	■	■
V4	■	○	○	■	■	■	■	■
VR	■	○	○	■	■	○	○	■
Manufacturing Districts								
M1	■	○	○	■	■	■	■	■
ME	■	○	○	■	■	■	■	■
Executive Administrative Districts								
E1	■	○	○	■	■	■	■	■
E2	■	○	○	■	■	■	■	■

■ Permitted (subject to compliance with this Section)

○ Prohibited

■ Permitted only as part of Master Sign Program

- 23.7.2 **Sign Standards for Signs in Non-residential Zoning Districts.** The following table establishes the standards for permanent signs allowed in non-residential zoning districts:

Table 23.7-2: Sign Standards for Signs in Non-Residential Zoning Districts

	<i>Commercial Districts</i>	<i>Village Districts</i>	<i>Manufacturing Districts</i>	<i>Executive Administrative Districts</i>	<i>Schools and Compatible Multiple Use Districts</i>
Total Sign Area Allowed *	1.5	1.5	1.5	1.5	1.0
<i>* Total Sign Area measured as square feet per one (1) linear foot of street frontage.</i>					
<i>Freestanding Signs</i>					
Max. Size (sq. ft.)	60	36	-	25	-
Max. Dimension (ft.)	-	-	-	5	-
Max. Height (ft.)	6	6	-	7	-
<i>Other Regulations Specific to the Zoning District</i>					
Tenant Signs – Max Size (sq. ft.)					3 **
<i>** A maximum of one sign per tenant, on or near the entrance of the leased space</i>					
o <i>Prohibited</i>			<i>- Maximum limits undefined</i>		

23.8 TEMPORARY SIGNS

Temporary signs may be erected and maintained only in accordance with the provisions set forth below. Temporary signs require only an electrical permit, when applicable.

- 23.8.1 **Construction Signs.** A temporary sign related to on-going construction or landscaping work may be placed upon real property upon which a building is being constructed or remodeled, or the landscaping is being replaced.

- a. **Maximum Sign Area.** Construction signs may be no more than:
 - i. Four (4) square feet in residential districts
 - ii. Twelve (12) square feet in non-residential districts.
- b. **Duration.** Said signs shall be removed within six months or at the time that construction of the project is completed, whichever is less.
- c. **Prohibited.** Signs may not display general advertising for hire.

- 23.8.2 **Real Estate Signs.** This subsection is enacted to implement Section 713 742 of the California Civil Code.

- a. **General.** Any property owner or his or her agent may display or have displayed on the real property, or on real property owned by another with that per-

son's consent, a sign which advertises the property for sale, lease or exchange provided said sign(s) meet the requirements of this subsection.

- i. Real estate signs are prohibited within the public right-of-way or on public property, except by permission of the agency which owns such property, or as permitted for open house signs.
- ii. Real estate signs shall be removed within fifteen (15) days after such property is no longer for sale, lease or exchange.
- b. **Residential Districts.** In residential districts, a sign not exceeding four (4) square feet in area may be displayed.
- c. **Non-residential Districts.** In non-residential districts, a sign not exceeding twelve (12) square feet in area may be displayed.
- d. **Directional Signs.** Signs giving directions to the subject property may be displayed on private property, with the consent of the owner, while the property is on the market. This provision does not authorize the placement of real estate directional signs on City property or in the public right-of-way.
 - i. Maximum size: three (3) square feet;
 - ii. Maximum height: five (5') feet above existing grade.

23.8.3 **Temporary Signs for Establishments in Non-residential Districts**

- a. **Federal or State Holiday Promotional Signs.** Temporary signs are allowed for four (4) days periods prior to and during federal or state holidays. Said signs shall be removed immediately following each such event.
- b. **Special Promotional Banners.** Special banners are allowed for establishments within non-residential districts.
 - i. A special banner permit, which registers the size, location, and time period for the banner with the Director of Planning and Community Development, or designee, is required.
 - ii. A maximum of one banner is allowed per establishment.
 - iii. The total banner area shall not exceed fifty (50) square feet.
 - iv. No banner shall be displayed for more than thirty (30) days.
 - v. A period of thirty (30) days must lapse before displaying another banner.
 - vi. Banners shall not be displayed for more than sixty (60) total days during a calendar year.
 - vii. Banners are allowed only in locations where permanent signs are allowed. They may not be displayed on fences.

23.8.4 **A-Frame Signs in the Villages Districts**

- a. **Maximum Number.** Each establishment shall not have more than one (1) A-frame sign.

- b. **Placement.** A-frame signs shall be placed on private property and shall be located on the same parcel as the business that qualifies for said sign.
- c. **Hours for Display.** A-frame signs shall be removed during hours when the establishment is not open to the public.
- d. **Size.** The area of an A-frame sign shall not exceed five (5) square feet per side;
- e. **Height.** The height of an A-frame sign shall not exceed 36 inches;
- f. **Materials.** A-frame signs shall not be constructed from plastic.

23.9 EXEMPT SIGNS

The following signs are exempt from the permit requirements of this Section, and they do not count toward the total sign area limit for a site, provided that they conform to the specified standards:

- 23.9.1 **Temporary Signs**, except special promotional banners and A-frame signs, as defined in subsection 23.8. (Requires compliance with subsection 23.8)
- 23.9.2 **Address signs and name plates**
- 23.9.3 **Changes of copy on Changeable Copy Signs** (Requires existing sign permit)
- 23.9.4 **On-site Advisory Signs** (which do not exceed *four (4)* square feet in area).

23.10 PROHIBITED SIGNS

Unless expressly allowed by another subsection of this Section 23: Sign Regulations, or other applicable law, the following signs are prohibited.

- 23.10.1 **Animated Signs**
- 23.10.2 **Banners, pennants, streamers, balloons and other attention-getting devices** (with the exception of those permitted by subsection 23.8).
- 23.10.3 **Gas-filled figures** or advertising devices activated by wind or forced air.
- 23.10.4 **Billboards.** The City prohibits the construction, erection or use of billboards.
 - a. **No Permits Issued.** No permit shall be issued for any billboard which violates this policy, and the City will take immediate enforcement or abatement action against any billboard constructed or maintained in violation of this policy.
 - b. **Relocation.** This provision does not prohibit agreements to relocate presently existing, legal billboards, as encouraged by Business and Professions Code Section 5412, so long as such agreements are not contrary to State or federal law.
- 23.10.5 **Off-site general advertising for hire signs**

23.11 MASTER SIGN PROGRAM

- 23.11.1 **Projects Requiring a Master Sign Program.** A master sign program is required for the following types of projects:
- a. **New Multiple Tenant Projects.** All new multiple tenant projects, not including residential only projects;
 - b. **Facade Remodels.** All buildings where the entire facade is being remodeled after the effective date of this Section;
 - c. **Sign Types.** Specific types of signs in certain districts, as described in Table 23-1; and
 - d. **Drive-through Signs.** All uses with drive-through services.
- 23.11.2 **Review and Approval.** A master sign program shall be subject to review and approval by the Planning Commission.
- 23.11.3 **Required Information.** A master sign program shall contain the following information:
- a. An accurate site plan of the lot;
 - b. Location of buildings, parking lots, driveways and landscaped areas on the lot;
 - c. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lot;
 - d. An accurate indication on the site plan of the proposed location of each proposed sign and existing sign which is to remain;
 - e. Color scheme;
 - f. Lettering and graphic style;
 - g. Lighting;
 - h. Materials; and
 - i. Sign dimensions.
- 23.11.4 **Procedures.** A master sign program shall be a condition of approval of any planned development, design review, use permit or other application required by the City and shall be processed prior to installation of any signs. Any sign which conforms to an approved sign program may be approved by the Director of Planning and Community Development or his or her designee. Approval of a master sign program does not waive the permit requirements for individual signs.
- 23.11.5 **Amendment.** A master sign program may be amended by an application for amendment that conforms with all requirements of this subsection.
- 23.11.6 **Binding Effect.** After approval of a master sign program, no signs shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision in this Section.

- a. **Lease Agreements.** The master sign program shall be attached to the lease agreements for all leasable space within the project.
- b. **Conflicts.** In case of any conflict between the provisions of such a plan and any other provision herein, this subsection shall control.

23.12 SIGN MAINTENANCE

Each sign displayed within the City, including exempt signs, shall be maintained to comply with the following standards:

- 23.13.1 **Summary Removal of Hazards.** Whenever any sign, by virtue of its physical nature and condition, poses an immediately and serious threat to the public safety, the same may be removed by city personnel, or its physical deficiency cured, to the extent necessary to protect the public safety. The cost of such removal or repair shall be assessed against the sign owner.
- 23.13.2 **Graffiti.** Graffiti on a sign shall be removed within two days of notice of its placement on such sign.
- 23.13.3 **Maintenance.** The display upon any sign area of a sign shall be maintained in good condition, without rips, tears, and similar damage.
- 23.13.4 **Maintenance Standards.** All parts, portions, units and materials composing a sign, together with the frame, background, surface, support or enclosure therefore shall be maintained in a safe condition, painted, and adequately protected from weathering with all braces, bolts and structural parts and supporting frames and fastenings reasonably free from deterioration, rot, rust, and loosening so that they do not create a hazard to persons or property or constitute an attractive nuisance.
- 23.13.5 **Deteriorated Signs.** Any sign or sign structure that is sagging, leaning, fallen, decayed, broken, deteriorated, or other dilapidated condition shall be promptly repaired, to the satisfaction of the City, or removed.
- 23.13.6 **Abandoned Signs.** Abandoned signs shall be removed in compliance with the following requirements. Any sign not removed within the required period shall constitute a nuisance and shall be removed.
 - a. **Off-Premises.** An off-premises sign that has carried no message for more than 12 months or which no longer identifies a bona fide business, lessor, service, owner, product, or activity, date or time of past event, and/or for which no legal owner can be found shall be removed.
 - b. **On-Premises.** An on-premises sign that identifies a business, lessor, or owner whose use of the premises has ceased for a period of not less than 90 days shall be removed by the owner or lessee of the premises upon which the sign is located.

23.13 NONCONFORMING SIGNS

23.13.1 **Prospective Regulation.** This Section does not affect signs which were legally installed and which exist as of the date this Section first takes effect. This provision does not legalize existing signs which were built, constructed or erected without required permits or other approvals.

23.13.2 **Attrition of Non-Conforming Signs**

- a. **Continuance and Maintenance.** Non-conforming signs which were legal when first installed, and which have not been modified so as to become illegal, may be continued, except as otherwise provided in this subsection.
 - i. Routine maintenance and repairs may be performed on signs which are non-conforming.
 - ii. A sign which did not conform to law existing at the time of its erection shall be deemed an illegal sign and shall not be a non-conforming sign. The passage of time does not cure illegality from the outset.
- b. **Alterations and Additions to Non-Conforming Signs.** No non-conforming sign shall be moved, altered, or enlarged unless required by law or unless the moving, alteration or enlargement will result in the elimination of the nonconformity.
- c. **Abandonment of Non-Conforming Sign.** Whenever a non-conforming sign has been abandoned, or the use of the property has been discontinued for a continuous period of ninety (90) days, the non-conforming sign shall be removed.
- d. **Restoration of a Damaged Sign.**
 - i. Whenever a non-conforming sign shall be destroyed by fire or other calamity to the extent of 50 percent (50%) or less the sign may be restored and the non-conforming use of the sign may be resumed, provided that restoration is started within one (1) year and diligently pursued to completion.
 - ii. Whenever a non-conforming sign shall be destroyed by fire or other calamity to a greater extent than 50 percent (50%), or shall be voluntarily razed or shall be required by law to be razed, the sign shall not be restored except in full conformity with this Section.
 - iii. The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the sign to its condition prior to such damage or partial destruction, to the estimated cost of duplicating the entire sign as it existed prior thereto.
 - iv. Estimates for this purpose shall be made or shall be reviewed and approved by the Director of Planning and Community Development or his or her designee.

23.13.3 **Signs Hereafter Rendered Non-Conforming.** Any sign which becomes non-conforming subsequent to the effective date of this Section by reason of annexation

to the city of the territory upon which the sign is located, shall be subject to the provisions of this Section.

23.14 REVIEW AND PERMITS REQUIRED

23.14.1 **Permit Required.** Except as otherwise provided in this Section, no person shall erect, move, alter, replace, or change copy (except on changeable copy signs) any sign without first obtaining a sign permit.

- a. Exempt signs as described in subsection 23.9 do not require a permit.
- b. Government agencies are not required to obtain permits for government signs.
- c. Permits are not required for signs authorized or required by law, such as eviction notices, notice of application for liquor permit, etc.

23.14.2 **Review Process and Issuance of Permits.**

- a. **Authority of Review.**
 - i. Master sign programs and applications for signs to be located on new buildings, building additions, or buildings undergoing substantial exterior remodel shall require review and approval by the Planning Commission, as part of the design review process as stated in Section 13 of the Zoning Ordinance.
 - ii. All other signs shall be reviewed by the Director of Planning and Community Development or his or her designee.
- b. **Review Process.** Upon the filing of an application for a sign permit, the Director of Planning and Community Development or his or her designee shall examine the plans, specifications and other submitted data for the sign which is proposed to be erected or affixed. If the application request is not in compliance with all requirements and standards of this Section, then the application will be denied, with notice and reasons given in writing.
- c. **Scope of Review.** Whenever any sign permit, variance, conditional use permit, Master Sign Program approval, or other sign-related decision, is made by any exercise of official discretion, such discretion shall be exercised only as to the non-communicative aspects of the sign, such as size, height, orientation, location, setback, illumination, spacing, scale and mass of the structure, and other criteria as specified under subsection 23.5.8.
- d. **Permit Issuance.** If upon review the proposed sign is in compliance with all of the requirements of this Section, and any other applicable ordinances of the City, the Director of Planning and Community Development or his or her designee shall issue a sign permit which may be subject to conditions, and if required, forward the sign permit to the Building Division for issuance of a building permit and/or an electrical permit.
- c. **Revocation of Permit.** The Director of Planning and Community Development or his or her designee is authorized and empowered to revoke any issued

permit on failure of the holder to comply with any provision of this Section or any other applicable statute, ordinance or regulation.

- f. **Appeals.** Appeals of any decision of the Director of Planning and Community Development or the Planning Commission shall be made in accordance with Section 15 of the Zoning Ordinance.

23.14.3 **Interpretation.** Interpretations of this Section shall be made initially by the Director, whose decision may be appealed in the same manner as any other sign-related decision.

- a. All interpretations of this Section are to be exercised in light of the message substitution policy and the purposes and intent of this Section.
- b. Where a particular type of sign is erected, displayed or proposed, and the type is neither expressly allowed nor prohibited by this Section, or whenever a sign does not qualify as a "structure" as defined in the Zoning Code or the Building Code, then the Director shall approve, conditionally approve or disapprove the application based on the most similar sign type that is expressly regulated by this Section, in light of the policies stated in this Section.

23.14.4 **Permit Applications.** Applications for sign permits shall be submitted to the Director of Planning and Community Development and shall contain the following information:

- a. The names, addresses and telephone numbers of the applicant and the owner of the property on which the sign is to be erected or affixed.
- b. The location and address of the building, structure or property on which the sign is to be erected or affixed.
- c. The nature of the business *or establishment*.
- d. Three (3) copies of a scaled site plan showing the property and buildings involved, affected landscaping and electrical connection points, and the placement of the proposed signs (a total of eight (8) sets are required if the plans are to be reviewed by the Planning Commission pursuant to Section 23.3.4.a).
- e. Three (3) copies of scaled plans and specifications of the sign to be erected or affixed and method of construction and attachment to the building or in the ground. Such plans and specifications shall include details of the construction and attachment, dimensions, height, materials, illumination, and color (a total of eight (8) sets are required if the plans are to be reviewed by the Planning Commission pursuant to Section 23.3.4.a).
- f. If required by the Building Official, a copy of stress sheets and calculations prepared by or approved by a registered structural engineer licensed by the State of California showing that the sign is designed for dead load and wind pressure in any direction in the amount required by this and all other applicable ordinances of the City.

- g. The written consent (demonstrated either by letter or by signing the application form) of the owner or owner's representative of the building, structure, or property on which the sign is to be erected or affixed.
- h. Such other information as the Director of Planning and Community Development may require to determine full compliance with this section and any other applicable laws, rules, and regulations.

23.14.5 **Permit Fees.** Every application for a sign approval shall be accompanied by a fee, in an amount specified by the schedule of fees established by City Council resolution, and related provisions of the Belmont Building Code. Whenever a sign permit fee is required by this section and work is started prior to obtaining a permit, the amount of fees shall be doubled for a permit subsequently issued to cover such work

23.14.6 **Compliance with Applicable Codes.** In addition to complying with the provisions of this Section, all signs shall be constructed in accordance with the Uniform Building Code, ~~and~~ Electrical Code, and all other applicable laws, rules, regulations and policies.

CITY OF BELMONT ZONING ORDINANCE

SECTION 23A – SIGN STANDARDS FOR PUBLIC PROPERTY

Draft

February 4, 2010

SECTION 23A – SIGN STANDARDS FOR PUBLIC PROPERTY

- 23A.1.1 **Scope.** This Section states the policies, rules and regulations regarding private party placement of signs on property owned or controlled by the City, and on all public rights of way. Nothing in this Section limits in any way the City's ability to use City property for expression of its own messages, or the messages of other parties which it may adopt as its own message, such as, by way of illustration only, by co-sponsorship of an event.
- 23A.1.2 **Intent as to Public Forum.** It is Belmont's intent that all City Property shall not function as a designated public forum, unless some specific portion of Public Property is designated herein as a public forum of one particular type; in such case, the declaration as to public forum type shall apply strictly and only to the specified area and the specified time period.
- 23A.1.3 **Definitions** – The definitions given in Section 23 apply to this Section.
- 23A.2.1 **Traditional Public Forum Areas**
- a. **Applicability.** This subsection applies only in traditional public forum areas. In consultation with the City Attorney, the Director shall interpret this phrase for compliance with court decisions.
 - b. **Noncommercial Display.** In areas qualifying as traditional public forums, private persons may display non-commercial message signs without a permit, subject to the following limitations:
 - i. The signs must be personally held by a person or personally attended by one or more persons standing within five feet 55 minutes of every hour.
 - ii. The signs may be displayed only during the time period of 7 am to 7 p.m., except on occasions when the City Council and/or the Planning Commission are holding public hearings or meetings; on such occasions, the display period is extended to thirty minutes after such meeting is officially adjourned.
 - iii. The maximum aggregate size of all signs held or personally attended by a single person is six (6) square feet. For purposes of this rule, apparel and other aspects of personal appearance do not count towards the maximum aggregate sign area. Apparel includes any types of personal clothing, but does not include any which are used for the support or mounting of signage.
 - iv. The maximum size of any one sign which is personally attended by two or more persons is six (6) square feet per person.
 - v. The sign may not have more than two display faces and may not be inflatable or air-activated.

- vi. In order to serve the City's interests in traffic flow and safety, persons displaying signs under this subsection:
 - may not stand in any vehicular traffic lane when a roadway is open for use by vehicles, and
 - persons displaying signs on public sidewalks must give at least four feet width clearance for pedestrians to pass by.
 - Signs and persons holding signs may not block the free and clear vision of drivers, bicyclists and pedestrians.
- vii. So long as the foregoing rules are followed, no permit is required for display of signs authorized by this subsection.
- viii. The message substitution policy of the Sign Ordinance (Section 23.2.2) applies only to the traditional public forum areas and is subject to the rules stated in this subsection.

c. **Commercial Display**

- i. **A-Frame Signs.** In the Villages Districts, A-frame signs may be placed on the sidewalk directly in front of the establishment, provided that there remains at least five feet wide clear space for pedestrians at all points. All regulations of subsection 23.8.4 apply to this subsection.
- ii. **Mobile Billboards.** The City prohibits any person to conduct, or cause to be conducted, any mobile billboard advertising upon any street, or other public place within the City in which the public has the right of travel.
 - The purpose of this prohibition is to eliminate mobile billboard advertising within the City in order to reduce traffic congestion, promote the safe movement of vehicular traffic, to reduce air pollution, and to improve the aesthetic appearance of the city.
 - This subsection shall not apply to buses or taxicabs
- iii. **Other Vehicles on Public Streets.** Signs on vehicles and vessels, which are within the definition of sign, may be displayed, subject to:
 - the message must pertain to the business or establishment of which the vehicle or vessel is a part or tool, not including general advertising;
 - such message may not utilize changeable copy or special illumination.

23A.3.1 **Government Signs.** The following signs may be erected and displayed on City Property, subject to the rules set herein:

- a. **Traffic Signs.** Traffic control and traffic directional signs erected by the City or another governmental unit;
- b. **Official Notices.** Official notices required or authorized by law;
- c. **City Signs.** Signs placed by the City in furtherance of its governmental functions.

23A.4.1 **Street Banners**

- a. **Intent as to Forum.** In adopting this Section, Belmont does not intend to open or designate a forum for expression on controversial topics of public debate, or a forum for off-site advertising for business establishments, but instead intends to allow the City of Belmont or certain private parties to display Street Banners to announce local special events which are open to the public.
- b. **Locations.** Allowable locations include: (1) across Ralston Avenue between El Camino Real and Sixth Avenue; or (2) across Ralston Avenue between Old County Road and Granada Street; or (3) other location determined by the City of Belmont.
- c. **Right of Refusal and Appeals.** The Community Development Director reserves the right to refuse to issue a permit on the grounds that the Street Banner is inconsistent with this subsection.
 - i. In the event of such denial, the applicant may appeal directly to the City Manager or designee, who shall issue a decision within five (5) days.
 - ii. If the applicant is not satisfied with the determination of the City Manager, then the applicant may appeal the City Manager's decision to the City Council for final determination. The City Council shall hear the matter at the next meeting when it can be properly noticed.
- d. **Parties.** The use of the Ralston Avenue Street Banner(s) is limited to:
 - i. City-sponsored events;
 - ii. Schools which are located in Belmont (pre-kindergarten through university, both public and private schools);
 - iii. Sports and culture events that serve groups of Belmont youth ages 0-18; and
 - iv. Organizations located in Belmont which have received tax exempt status pursuant to Internal Revenue Code Section 501(c)(6).
- e. **Time Limits**
 - i. Street Banners will be limited to one week, with the exception of the City's Holiday Banners that will be in place between Thanksgiving and New Years Day.
 - ii. No party may request to use the banner poles more than three (3) times in any calendar year.
- f. **Permit Required.** A Temporary Street Banner application form shall be available at the Permit Center and such form shall address required submittals, fees, and approvals.
 - i. All applications shall be made in writing.
 - ii. Applications may be made for one or two banners displayed at the same time.

- iii. If two applications are made for the same week, a permit will be given for only one set of poles.
- g. **Safety.** All Street Banners must meet any adopted construction specifications and insurance requirements.

ATTACHMENT III

Current Sign Ordinance

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***SECTION 23 - SIGN REGULATIONS**

**** 23.1 PURPOSE**

The purpose of this section is as follows:

- (a) to provide minimum standards to safeguard life, health, property, and public welfare, and promote traffic safety by controlling the design, quality of materials, construction, illumination, size, location and maintenance of signs and sign structures;
- (b) to encourage signs that are of a quality design, pleasing in appearance, and are appropriate in size, materials, and illumination to the type of activity to which they pertain;
- (c) to encourage signs that are compatible with the architectural style, characteristics and scale of the building to which it may be attached and to encourage signs that are compatible with adjacent buildings and businesses;
- (d) to enhance overall property values and the visual environment in the City by discouraging signs which contribute to the visual clutter of the streetscape, such as off-site signs, oversized signs, and excessive temporary signing;
- (e) to ensure that commercial signs are designed for the purpose of identifying a business in an attractive and functional manner, rather than to serve primarily as general advertising for the business;
- (f) to discourage signs which cause a traffic hazard or interfere with ingress/egress;
- (g) to implement the goals and policies of the General Plan and municipal code by enforcement of the regulations contained within this section.

**** 23.2 DEFINITIONS**

- 23.2.1 A-frame Sign. A portable sign capable of standing without support or attachment.
- 23.2.2 Animated Sign. Any sign which uses movement or change of lighting, either natural or artificial, to depict action or to create a special effect or scene.
- 23.2.3 Awning. Any structure made of flexible fabric or similar material covering a metal frame attached to a building, whether or not the same is so erected as to permit its being raised to a position flat against the building when not in use.

* Section 23 added by Ord. #697, 4/8/82

** Amended by Ord. #867, 12/24/92

- 23.2.4 Banner. Any sign of lightweight fabric or similar material that is mounted to a pole or a building at one or more edges. National, state and municipal flags shall not be considered banners.
- 23.2.5 Billboard. An on-premises or off-premises freestanding sign which exceeds the size limitations of a freestanding or wall sign.
- 23.2.6 Canopy. Any structure other than an awning made of flexible fabric or similar material covering a metal frame supported by the ground or sidewalk.
- 23.2.7 Directional Sign. Any sign, other than a highway marker or any sign erected and maintained by public authority, or a public utility which is designed, erected and maintained for the purpose of directing persons to a place, structure, or activity not located on the same premises as the sign.
- 23.2.8 Freestanding Sign. Any sign which is self-supporting in a fixed location and not attached to a building.
- 23.2.9 Gross Surface Area of Sign. The area contained within a single continuous perimeter enclosing all parts of such sign but excluding any structural elements outside the limits of the sign, which are required for the supporting of such sign.
- 23.2.10 Marquee. A permanent roofed structure attached to and supported by a building.
- 23.2.11 Marquee Sign. Any sign attached to or supported by a marquee.
- 23.2.12 Master Sign Program. A coordinated sign plan which includes details of all signs (not including exempt or temporary signs) which are or will be placed on a site, including master identification, individual business and directory signs.
- 23.2.13 Non-conforming Sign. A sign lawfully erected and legally existing on the effective date of this section, or of amendments thereto, but which does not conform to the provisions of this section.
- 23.2.14 On-site Advisory Sign. A sign which provides services, direction or courtesy information intended to assist the public and which is not displayed for the general purpose of advertising products or services. Information signs shall include the location of business facilities (e.g., store entrances, walk-up windows and self-service operations); and courtesy information (e.g., hours of operation, handicapped accessibility, restrooms). On-site advisory signs shall not include fuel price signs nor shall they be part of any sign whose primary function is business identification.
- 23.2.15 Projecting Sign. Any sign which is attached to the face of a building and projects more than eighteen (18) inches from the face.
- 23.2.16 Portable Sign. A sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs

designed to be transported by means of wheels; A-frames and balloons. Banners are not considered portable signs.

- 23.2.17 Public Service Sign. Signs of a public or non-commercial nature, which shall include public transit service signs, utility information signs, public restroom or telephone signs, and trespassing signs. Signs which indicate scenic or historical points of interest and all signs or legal notices erected by a public officer in the performance of a public duty are public service signs. Off-site signs placed by a public agency for the purpose of guiding persons to emergency centers or places of public interest are also included.
- 23.2.18 Real Estate Sign. Any temporary sign pertaining to the sale, exchange, lease or rental of buildings or real property.
- 23.2.19 Readerboard Sign. A sign on which copy is changed manually in the field, including but not limited to theater marquee signs, business directories, church signs and gas pricing signs.
- 23.2.20 Roof Sign. Any sign located on a roof of a building or having its major structural supports attached to a roof.
- 23.2.21 Sign. Any identification, description, illustration, or device illuminated or non-illuminated which is visible to the general public and directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, or placard designed to advertise, identify, or convey information.
- 23.2.22 Street Frontage. The lineal distance of the property parallel to the street right-of-way.
- 23.2.23 Temporary Sign. A sign with commercial or non-commercial text which is intended to be displayed for less than sixty (60) days. Temporary signs shall include portable signs constructed of plywood, wallboard or similar light, rigid material which is not affixed in a permanent manner to the ground or to any structure such as an A-frame sign.
- 23.2.24 Time/Temperature Sign. An electronic or mechanical device which shows time and/or temperature, but contains no business identification or advertising.
- 23.2.25 Wall Sign. A sign attached directly to an exterior wall of a building or dependent upon a building for support with the exposed face of the sign located in a place substantially parallel to such exterior building wall to which the sign is attached.
- 23.2.26 Window Sign. Any sign on the ground floor of a building, on or within one (1) foot of a window, intended to be viewed from the exterior of such building. On-site advisory signs are not considered window signs.

* 23.3 REVIEW AND PERMIT REQUIRED

23.3.1 PERMIT REQUIRED. Except as otherwise provided in this section, no person shall erect, move, alter, replace, change copy (except on readerboard signs) or maintain any sign without first obtaining a sign permit as required by this section.

23.3.2 PERMIT APPLICATIONS. Applications for sign permits shall be submitted to the Director of Planning and Community Development and shall contain the following information:

- (a) The names, addresses and telephone numbers of the applicant and the owner of the property on which the sign is to be erected or affixed.
- (b) The location and address of the building, structure or property on which the sign is to be erected or affixed.
- (c) The nature of the business.
- (d) Five (5) copies of a scaled site plan showing the property and buildings involved, affected landscaping and electrical connection points, and the placement of the proposed signs (a total of fifteen (15) sets are required if the plans are to be reviewed by the Planning Commission pursuant to Section 23.3.4.a).
- (e) Five (5) copies of scaled plans and specifications of the sign to be erected or affixed and method of construction and attachment to the building or in the ground. Such plans and specifications shall include details of the construction and attachment, dimensions, height, materials, illumination, and color (a total of fifteen (15) sets are required if the plans are to be reviewed by the Planning Commission pursuant to Section 23.3.4.a).
- (f) If required by the Building Official, a copy of stress sheets and calculations prepared by or approved by a registered structural engineer licensed by the State of California showing that the sign is designed for dead load and wind pressure in any direction in the amount required by this and all other applicable ordinances of the City.
- (g) The written consent (demonstrated either by letter or by signing the application form) of the owner or owner's representative of the building, structure, or property on which the sign is to be erected or affixed.
- (h) Such other information as the Director of Planning and Community Development may require to determine full compliance with this section and any other applicable ordinances of the City.

* Amended by Ord. #867, 12/24/92

23.3.3 PERMIT FEES. Every application for a sign approval shall be accompanied by a fee, in an amount specified by the schedule of fees established by City Council resolution, and related provisions of the Belmont Building Code. Whenever a sign permit fee is required by this section and work is started prior to obtaining a permit, the amount of fees shall be doubled for a permit subsequently issued to cover such work.

23.3.4 ISSUANCE OF PERMITS. Upon the filing of an application for a sign permit, the Director of Planning and Community Development or his or her designee shall examine the plans, specifications and other submitted data for the sign which is proposed to be erected or affixed. If the application request is not in compliance with all requirements of this section, then the application will be denied.

If upon review the proposed sign is in compliance with all of the requirements of this section, and any other applicable ordinances of the City, the Director of Planning and Community Development or his or her designee may issue a sign permit which may be subject to conditions, and if required, forward the sign permit to the Building Division for issuance of a building permit and/or an electrical permit.

- (a) Authority of Review. Master sign programs and applications for signs to be located on new buildings, building additions, or buildings undergoing substantial exterior remodel shall require review and approval by the Planning Commission. All other signs shall be reviewed by the Director of Planning and Community Development or his or her designee.
- (b) Revocation of Permit. The Director of Planning and Community Development or his or her designee is authorized and empowered to revoke any issued permit on failure of the holder to comply with any provision of this section or any other applicable statute, ordinance or regulation.
- (c) Appeals. Appeals of any decision of the Director of Planning and Community Development or the Planning Commission shall be made in accordance with Section 15 of the Zoning Ordinance.

23.3.5 COMPLIANCE WITH APPLICABLE CODES. In addition to complying with the provisions of this Section, all signs shall be constructed in accordance with the Uniform Building Code and Electrical Code.

* 23.4 GENERAL REGULATIONS

The following provisions shall apply to all signs unless otherwise stated in this section:

23.4.1 SIZE. The aggregate area of signs permitted on any parcel shall not exceed one and six tenths (1.6) square feet of gross surface area for each foot of street frontage.

* Amended by Ord. #867, 12/24/92

Separate calculations may be made for front, side and rear street frontages and separate signs may be erected on each of these frontages.

23.4.2 SIGN PLACEMENT. Except as otherwise provided for under Section 23.5, Special Provisions, all signs shall be placed flat against the wall or window of the building, or suspended from the eaves or from the ceiling of a covered walkway, or any combination thereof. No wall sign shall extend, project or protrude laterally in any manner more than eighteen (18) inches beyond the wall of the building or portion thereof occupied by the business identified by such sign.

23.4.3 ILLUMINATION. Illuminated signs located adjacent to any residential area shall be controlled by a rheostat or another acceptable method so as not to create excessive glare to properties within said residential district.

23.4.4 DIRECTIONAL SIGNS. Directional signs shall not exceed twelve (12) square feet in area.

* 23.5 SPECIAL PROVISIONS

The following regulations specify size, height, placement limitations, and findings required for types of signs and land uses which are deemed to warrant special regulation based on the Zoning District in which the sign is located.

23.5.1 COMMERCIAL (C) AND MANUFACTURING (M) DISTRICTS.

- (a) Freestanding Signs. Any parcel of land with at least one hundred fifty (150) feet of continuous street frontage and where the main building is setback at least twenty (20) feet from the property line may be allowed one (1) freestanding sign per street frontage. A freestanding sign shall not exceed a maximum of sixty (60) square feet in size, and may not exceed fifteen (15) feet in height. Freestanding signs shall be in architectural harmony with the building architecture, and shall be monument or ground signs unless traffic safety and visibility limitations require higher signs, or pole signs.
- (b) Awning and Canopy Signs. If an awning or canopy sign is illuminated, the entire surface of the awning or canopy shall be included in the gross allowable sign area. An awning sign or canopy sign shall not be less than eight (8) feet above the sidewalk.
- (c) Window Signs. Window signs may not exceed twenty-five percent (25%) of the window area on each ground floor elevation of the building. Window signs in a retail food store (not including a restaurant), when such signing is changed weekly, may cover an additional twenty-five percent (25%) of the window area on each ground floor elevation of the building. Window signs shall not be included in the gross allowable sign area.

* Amended by Ord. #867, 12/24/92

- (d) Projecting Signs. A projecting sign shall not be located less than eight (8) feet above the sidewalk or ground; shall not project more than four (4) feet from the face of the building, and shall have a thickness of no more than two (2) feet.
- (e) Marquee Signs. A marquee sign shall be located approximately parallel to the face of the supporting marquee; shall be located no less than eight (8) feet above the sidewalk or ground; shall not project more than six (6) inches from the face of the supporting marquee, nor shall be within two (2) feet of the perpendicular projections of the curb line; shall not be more than four (4) feet in vertical dimension and shall conform with Chapter 45 of the Uniform Building Code. No more than one such sign per place of business shall be permitted.
- (f) Roof Signs. Signs shall not project or extend above or over the highest point of the wall of the building to which it is affixed. However a sign may be mounted on the roof of a building which has a roof pitch of at least three (3) vertical to twelve (12) horizontal. In such cases, a sign not exceeding two (2) feet in vertical height may be located parallel to and not more than three (3) feet from the lower edge of the slope. Signs may also be located on the vertical, or substantially vertical, portion of a roof screen or penthouse; in which case a sign shall not extend above the portion of the roof screen or penthouse to which it is affixed.

23.5.2 EXECUTIVE ADMINISTRATIVE (E-1 AND E-2) DISTRICTS

- (a) Freestanding Signs and Walls Signs. Freestanding signs and wall signs shall not exceed a maximum of twenty-five (25) square feet, shall not be greater than five (5) feet in any dimension, nor extend more than seven (7) feet above grade.

23.5.3 SCHOOLS AND COMPATIBLE MULTIPLE USES DISTRICT

- (a) Walls Signs. Walls signs shall not exceed a maximum of eight (8) square feet in area, shall not be greater than four (4) feet in any dimension, nor extend more than six (6) feet above grade.
- (b) Fence Signs. Fence signs are permitted along the frontage of Barrett and Ralston Schools provided that such signs shall not have a gross area greater than eight (8) square feet.
- (c) Tenant Signs. One (1) signs for each tenant of the school may be located on the door or near the entrance of the leased space not exceed three (3) square feet in area.

* 23.5.4 RESIDENTIAL DISTRICTS

* Amended by Ord. #1028, 8/23/07

- (a) Home Occupation. A nameplate not exceeding one (1) square foot in area is permitted for a home occupation.
- (b) Churches. A church bulletin board not exceeding 12 (twelve) square feet in area is permitted, with letters not more than six (6) inches in height, not illuminated, which shall serve only to identify a church and announce its services and activities; and which shall be located in a required front or side yard, but not closer than ten (10) feet to any street line and no closer than five (5) feet to any side property line.
- (c) Conditional Uses. An identification sign is permitted for an approved conditional use in an R-1 District located on the site of said conditional use, provided that the sign shall not exceed eight (8) square feet in area, shall not be illuminated, and shall have letters no more than six (6) inches in height and shall not be located in or project into a required front, side or rear yard; and further provided that when located on a building the sign shall be flat against a wall and not project above the cornice or roof line. When freestanding, any such sign shall be no more than four (4) feet above grade.
- (d) Non-commercial signs are allowed to be up to 12 square feet in area, and shall otherwise comply with placement requirements in subsection (c) above.

* 23.6 EXEMPT SIGNS

The signs described in this section are allowed in addition to signs of other classes and are not required to obtain a sign permit unless it is determined by the Building Official that a building permit is required.

23.6.1 Temporary Signs (provided the requirements of Section 23.8 are complied with).

23.6.2 Address Signs.

23.6.3 Changes of Copy on Readerboard Signs.

23.6.4 Government Flags.

23.6.5 On-site Advisory Signs (which do not exceed twelve (12) square feet in area).

23.6.6 On-site Directional Signs (not exceeding four (4) square feet in area, with not more than 25% of the area containing the name of the business or classification of goods sold).

23.6.7 Private Parking Signs (not exceeding four (4) square feet in area).

23.6.8 Public Service Signs (not exceeding four (4) square feet in area).

* Amended by Ord. #867, 12/24/92

23.7. PROHIBITED SIGNS

The following signs are hereby expressly prohibited (except as a temporary sign, as provided for in Section 23.8):

23.7.1 Animated Signs except the following:

- (a) Time/temperature signs.
- (b) Marquee signs subject to the requirements of Section 23.5.1.e

23.7.2 Banners, Flags, Pennants, Streamers, Balloons and Other Gas-Filled Figures (with the exception of those permitted by Section 23.8).

23.7.3 Billboards.

23.7.4 Roof Signs and Internally Illuminated Signs (located in any residential district).

23.7.5 Off-site Signs (except public service signs and real estate signs which meet the requirements of Section 23.8.e).

23.7.6 Portable Signs (except signs which meet the requirements of Section 23.8.1).

23.7.7 Signs on Parked Vehicles (signs placed on, painted, or affixed to vehicles and/or trailers which are parked on a public right-of-way, public property so as to be visible from a public right-of-way and where the apparent purpose is to advertise a product or business, or direct people to a business or activity located on the same or nearby property). This does not prohibit identification signs painted on or affixed to vehicles and trailers, such as small lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.

23.7.8 Signs That Cause a Traffic Hazard (signs that obstruct views of pedestrian and vehicular traffic; or which by color, shape, working, or location, resemble or conflict with any traffic control sign or device).

23.7.9 Signs That Interfere with Ingress/Egress (signs, except as may be required by other Code, placed or maintained so as to interfere with free ingress or egress from any door, window or fire escape).

* 23.7.10 The pasting, painting, printing, nailing, tacking, or otherwise fastening or affixing of any card, banner, handbill, campaign sign, poster, sign advertisement, or notice of any kind on any curbstone, lamppost, pole, bench, hydrant, bridge, wall, tree, sidewalk, or structure in or upon any public street, alley, public right of way, or any other public property, except as may be required or permitted by ordinance or law.

* Amended by Ord. #879, 6/9/94

23.7.11 Signs on Trees, Utility Poles or Benches (placards, posters, announcements or political signs posted or attached to any bench, pole, tree, or other living vegetation, or to any object in a public right-of-way).

23.7.12 Temporary Signs (except as provided for in Section 23.8).

* 23.8 TEMPORARY SIGNS

Temporary signs may be erected and maintained only in accordance with the provisions set forth below. Temporary signs may be placed only at the locations allowed for permanent signs. Temporary signs do not require a sign permit unless it is determined by the Building Official that a building permit or electrical permit is required.

23.8.1 Portable Signs

- (a) A-frame Signs. A-frame signs are permitted for retail businesses that 1) primarily sell perishable goods; or 2) are not visible from a public street and have no options available to provide signage visible from a public street. A-frame signs shall meet the following requirements:
 - (1) Each business shall not have more than one (1) A-frame sign;
 - (2) A-frame signs shall be placed on private property and shall be located on the same parcel as the business, which qualifies for said sign.
 - (3) A-frame signs shall be removed during non-business hours.
 - (4) The area of an A-frame sign shall not exceed ten (10) square feet.
- (b) Portable Signs for Promotions Related to National Holidays. All types of portable signs are allowed for four (4) days periods prior to and during national holidays. Said signs shall be removed immediately following each national holiday.

23.8.2 Special Promotional Banners. Special promotional banners are allowed for businesses within a commercial district provided that the size, location and time period for the banner is registered with the Director of Planning and Community Development or his or her designee. The total banner area shall not exceed fifty (50) square feet. No banner shall be displayed for more than thirty (30) days. A period of thirty (30) days must lapse before displaying another banner. Banners shall not be displayed for more than sixty (60) total days during a calendar year.

23.8.3 Construction Identification Signs. A temporary sign denoting the architect, engineer, contractor, financier or persons in a similar capacity may be placed upon real property upon which a building is being constructed subject to review and

* Amended by Ord. #867, 12/24/92

approval by the Director of Planning and Community Development or his or her designee. Said signs shall be removed at the time that construction of the project is completed.

23.8.4 Street Banners. The Director of Planning and Community Development or his or her designee may issue permits for the placement of banners over any public right-of-way if said banners are to be maintained in connection with a public event sponsored by the City or a non-profit organization. Said banners shall be exempt from the other requirements of this section.

23.8.5 Real Estate Signs. This section is enacted to implement Section 712 of the California Civil Code.

(a) General. Any property owner or his or her agent may display or have displayed on the real property, or on real property owned by another with that person's consent, a sign which advertises the property for sale, lease or exchange provided said sign(s) meet the requirements of this section. Real estate signs are prohibited within the public right-of-way or on public property, except by permission of the agency, which owns such property, or as permitted for open house signs. Real estate signs shall be removed within fifteen (15) days after such property is no longer for sale, lease or exchange.

(b) Residential Districts. In residential districts, a sign not exceeding four (4) square feet in area is permitted pertaining to the sale, lease, rental or display of the property on which the sign is located.

(c) Non-residential Districts. In non-residential districts, a sign not exceeding twelve (12) square feet in area is permitted pertaining to the sale, lease, rental or display of the property on which the sign is located.

*

23.8.6 A-Frame Signs During Construction Activities. During the closure of Ralston Avenue and Harbor Boulevard associated with the construction of Harbor Boulevard/Ralston Avenue Grade Separation Project, each existing business on commercially zoned land shown in the attachment shall be permitted to maintain one A-frame sign provided all of the following conditions are met:

a. A-frame signs shall not be permitted within the public right-of-way or off site.

b. The total square footage of A-frame signs shall be limited to 25 square feet (including both sides of the sign). If an A-frame sign is displayed there shall be no temporary banners displayed.

c. A-frame signs shall not impair vehicular visibility or pedestrian movement, or otherwise present a hazard as described in Sections 23.7.8 and 23.7.9 of this chapter.

* Added by Ord. #921, 12/12/97; Amended by Ord. #942, 5/13/99

- d. A-frame signs shall not be stored within required parking spaces.
- e. A-frame signs shall not be lighted.

* 23.8.7 Temporary Banners During Construction Activities. During the closure of Ralston Avenue and Harbor Boulevard associated with the construction of the Harbor Boulevard/Ralston Avenue Grade Separation Project, each business on the developed commercially zoned properties along Old County Road along El Camino Real south of Marine View Avenue and north of F Street shown in the attachment shall be permitted to maintain one temporary banner in excess of the time and size limitations outlined in Sections 23.4.1 and 23.8.1 (4) provided all of the following conditions are met:

- a. Persons displaying temporary banners shall meet all other requirements of Section 23.8.4. except that pennants shall be considered banners under this amendment.
- b. Temporary banners shall be limited to 50 square feet in size. If an A-frame sign is displayed under Section 23.8.6 of the Zoning Ordinance, there shall be no temporary banner displayed.
- c. Banners shall not be lighted.

This ordinance shall expire sixteen months from the effective date. (9/13/00)

* 23.9 MASTER SIGN PROGRAM

23.9.1 General Requirements. A master sign program is required for all new multiple tenant projects and all buildings where the entire facade is being remodeled after the effective date of this section. The master sign program shall be subject to review and approval by the Planning Commission.

23.9.2 Required Information. A master sign program shall contain the following information:

- (a) An accurate site plan of the lot.
- (b) Location of buildings, parking lots, driveways and landscaped areas on the lot.
- (c) Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lot.
- (d) An accurate indication on the site plan of the proposed location of each proposed sign and existing sign which is to remain.

* Amended by Ord. #867, 12/24/92

- (e) Color scheme.
- (f) Lettering and graphic style.
- (g) Lighting.
- (h) Materials.
- (i) Sign dimensions.

23.9.3 Procedures. A master sign program shall be a condition of approval of any planned development, design review, use permit or other application required by the City and shall be processed prior to installation of any signs. Any sign which conforms to an approved sign program may be approved by the Director of Planning and Community Development or his or her designee. Approval of a master sign program does not waive the permit requirements for individual signs.

23.9.4 Amendment. A master sign program may be amended by filing a new master sign program that conforms with all requirements of this section.

23.9.5 Existing Signs Not Conforming to a Master Sign Program. If any new master or amended sign program is filed for property on which existing signs are located, it shall include a schedule for bringing into conformance all signs not conforming to the proposed or amended program.

23.9.6 Binding Effect. After approval of a master sign program, no signs shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision in this section. The master sign program shall be attached to the lease agreements for all leasable space within the project. In case of any conflict between the provisions of such a plan and any other provision herein, this section shall control.

* 23.10 NON-CONFORMING SIGNS

23.10.1 Attrition of Non-conforming Signs.

- (a) Continuance and Maintenance. Non-conforming signs may be continued, except as otherwise provided in this subsection. Routine maintenance and repairs may be performed on signs which are non-conforming. A sign which is did not conform to law existing at the time of its erection shall be deemed an illegal sign and shall not be a non-conforming sign.
- (b) Alterations and Additions to Non-conforming Signs. No non-conforming sign shall be moved, altered by changing copy or enlarged unless required by law or unless the moving, alteration or enlargement will result in the elimination of the nonconformity.

* Amended by Ord. #867, 12/24/92

- (c) Abandonment of Non-conforming Sign. Whenever a non-conforming sign has been abandoned, or the use of the property has been discontinued for a continuous period of ninety (90) days, the non-conforming sign shall be removed.
- (d) Restoration of a Damaged Sign. Whenever a non-conforming sign shall be destroyed by fire or other calamity to the extent of 50 percent (50%) or less, the sign may be restored and the non-conforming use of the sign may be resumed, provided that restoration is started within one (1) year and diligently pursued to completion. Whenever a non-conforming sign shall be destroyed by fire or other calamity to a greater extent than 50 percent (50%), or shall be voluntarily razed or shall be required by law to be razed, the sign shall not be restored except in full conformity with this section. The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the sign to its condition prior to such damage or partial destruction, to the estimated cost of duplicating the entire sign as it existed prior thereto. Estimates for this purpose shall be made or shall be reviewed and approved by the Director of Planning and Community Development or his or her designee.

23.10.2 Signs Hereafter Rendered Non-conforming. Any sign which becomes non-conforming subsequent to the effective date of this section by reason of annexation to the city of the territory upon which the sign is located, shall be subject to the provisions of this section.

* 23.11 POLITICAL SIGNS

Temporary signs announcing political candidates seeking public office, political parties, and/or political and public issues contained on a ballot shall be subject to the following:

** 23.11.1 Notwithstanding the provisions of Section 23.7.10, political signs may be erected on public right-of-way of those properties of the City having the zoning classification of R-1E, R-1H, R-1A, R-1B, and R-1C for a period of 24 days preceding the date of an election to which they pertain except those signs which are erected in areas or locations, when the erection of signs would be hazardous or detrimental to the public health, safety, and general welfare as determined by the Director of Public Services; provided, however, that this section shall not apply to properties bordering the following streets:

- a. Ralston Avenue
- b. Alameda de las Pulgas
- c. El Camino Real

* Amended by Ord. #867, 12/24/92

** Amended by Ord. #879, 6/9/94

d. Old County Road

23.11.2 For a period of twenty-four (24) days prior to any election, political signs may be placed on the westerly four panels of the fence bordering Twin Pines Park, subject to the following requirements:

- a. The size of signs placed on the Twin Pines' fence shall not exceed four (4) feet by four (4) feet.
- b. Signs placed on the Twin Pines' fence shall not exceed one sign per candidate or measure per election.
- c. Signs to be placed on the Twin Pines' fence shall be delivered to the Park Superintendent who shall place the signs on the fence.

23.11.3 Any signs not conforming to the regulations herein stated may be removed after twenty-four (24) hours notice to the owner of the sign.

23.11.4 Political signs may be destroyed, without notice, if not claimed by the owners within seven (7) days after the election to which the sign relates.

23.11.5 Any sign which has been erected, constructed, fastened or maintained in violation of Section 23.7.11 upon public property shall be removed forthwith by the Director of Public Services or his or her designee shall notify the owner of such sign, if the identity of the owner is known to him, if the reason for its removal and the location or place where the sign is not redeemed within fifteen (15) days after notification or in the event the name and address of the owner is not known, the Director of Public Services or his or her designee may destroy the aforesaid sign.

23.11.6 No provision of this section shall prohibit the erection of political signs on private property for a period of twenty-four (24) days preceding the date of the election to which they pertain except those signs which are erected in areas or locations where the erection of signs would be hazardous or detrimental to the public health, safety and welfare.